



JPRS Report

East Europe

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Analysis, Criticism of Draft Constitution

*91BA0791A Sofia VEK 21 in Bulgarian 29 May 91
pp 1-2*

[Article by Yordan Ganev: "Could We Hope for a Good Constitution?"]

[Text] The final draft of the new constitution has been submitted to the plenary session of the Grand National Assembly. Views on this draft, however, are diametrically opposed.

It is true that the task of the people's representatives in the 8th Grand National Assembly is a difficult one. They must draft the new constitution of democratic Bulgaria, a constitution which must firmly break with all the principles of totalitarian dictatorship, and take our country on the path of development, a path which is followed today by all civilized states and from which we were turned away after the coerced imposition of a communist rule in 1946-48.

What makes this task twice as difficult is that in the past we had a constitution which was among the most progressive among the then fundamental laws, and was much more advanced and protective of the rights of citizens compared to the then constitutions of Germany, Austria, Italy, or Spain. Shall we allow today the new constitution to be much worse and less democratic than the constitutions of those countries?

Yet a real threat that this may occur does exist if we take the submitted draft as a basis.

I cannot qualify the draft as good.

It is eclectic, and even mechanically compiled from different drafts or other constitutions. This is manifested in its looseness. Texts which discuss the same problem are found in different paragraphs and in different areas instead of being assembled within a single or several related articles. For example, Article 1, paragraph 3, stipulates that no party or organization can assume the exercise of the people's sovereignty; Article 11, paragraph 2, includes the same prohibition concerning the adoption of a single ideology.

Such eclecticism can be seen even further in some repetitions of stipulations which are essentially one and the same. Thus, for example, Article 5, paragraph 3, stipulates that the law will be applied uniformly to anyone; Article 4, paragraph 1, defines the Republic of Bulgaria as a law-governed state which is governed according to the laws; paragraph 2 of Article 6 once again stipulates that the citizens are equal in the eyes of the law.

Systematization in the draft is quite imperfect. Thus, in chapter 1, "Basic Principles," a variety of texts are included which deal with the rights of citizens and which should be in the second chapter or in the chapter about the National Assembly (Article 9).

A much worse case is that in which standards clash. For example, Article 5, paragraph 5, stipulates that international treaties ratified by the National Assembly automatically become part of domestic law. Yet Article 85, paragraph 1, item 7, speaks of the ratification of treaties which

"require measures of a legislative nature." This is an obvious contradiction! If they automatically become part of domestic law, no other "measures of a legislative nature" would be required.

Here is another example: Article 90, paragraph 1, stipulates that a simple majority of all people's representatives is needed for a no-confidence vote in the government. Yet Article 120 stipulates that this can be achieved by a simple majority of those present. The only difference in the two texts is that in the former it is a question of a vote based on a motion of a people's representative while in the latter by request of the government itself. In my view, it would be more accurate in both cases to demand the vote of more than one-half of all people's representatives. In any case the same principle should apply in both cases.

All we have said so far clearly proves the eclectic nature, the compilation of the draft. The direct consequence of this is the lack of uniform intent and of a governing idea, unlike that which can be so clearly seen in our old Turnovo Constitution.

Another major shortcoming of the texts under review is the quite frequently encountered declarative nature: a quality which is totally alien to a constitution in which everything must be said in professional terms. Here are examples: Article 11, paragraph 3, begins as follows: "The parties contribute to the shaping of the political will of the people." Let us ignore the vague and unclear "political will of the people." This entire sentence could be part of a sociological treatise of individual parties but not part of a fundamental law. In Article 23, paragraph 2, among suitably expressed matters, there is a meaningless declaration smacking of populism, calling for ensuring the "well-being and basic rights of all Bulgarian citizens."

The proposed draft suffers from other shortcomings which I would describe as more important, and which already raise the very serious doubt of its democratic nature. This applies to the insufficient protection of fundamental rights. Thus, for example, in Article 4, paragraph 2, in the enumeration of the rights guaranteed by the republic, something very important has been omitted: the right to ownership. Article 20 entrusts the protection of the land to "the state and society." Let us ignore the vague concept of "society." It is not the state that must care for the land, for this means that the executive authority will have the right to interfere in the work of the citizens, but the law. At this point I would like to highlight a difference which is quite essential and which draws a very clear line between democracy and lack of democracy. When we speak of the state, this means the state administration, i.e., the executive branch. The main defect of the draft is that a rather substantial number of matters are assigned to the state, to the executive branch. This is by no means a feature of democracy. Should the administration take some excessive and even arbitrary measures it would be difficult to accuse it of violating the constitution, for the latter includes a text which even mandates it to "care." However, if this is stipulated in the law, arbitrariness becomes virtually excluded and, which is most important, having been promulgated, this law is controlled by the Constitutional

Court, which could abolish it if it leads to the violation of fundamental and guaranteed rights of the citizens. It is precisely this distinction that determines the nondemocratic nature of the former (the state) and the democratic nature of the latter (the law) formulation. Unfortunately, in numerous cases the draft entrusts such concern to the state. This means a violation of the balance of power among the branches, favoring the executive branch, which is a feature of insufficient democracy.

Allow me to discuss more specifically some other stipulations as well. The question of prohibiting torture or forced treatment or medical experimentation is properly formulated (Article 28). Today, however, this is not sufficient, in our case. Like the threatening of human life (Article 27) or treason and betrayal of the fatherland (Article 59), here as well the action must be defined as a most severe crime. It should go even further. For such a crime there should be no statute of limitations, for even after it has been committed criminal prosecution is impossible if it has been committed by members of the executive branch. It is only with such a formulation that a guarantee will exist, a constitutional one, of the effectiveness of this prohibition.

Guarantees against surveillance, taking photographs and other acts committed without the knowledge of the individual, as well as against the sanctity of correspondence are not adequately formulated (Articles 31, paragraph 2, and 33, paragraph 2). In both cases it is a question of a legal foundation. This is insufficient. In each specific case the permission of the judiciary must be secured.

Article 89 stipulates that the National Assembly must empower the Council of Ministers to issue resolutions which will have the force of law. This could be necessary in some cases. The text, however, must be drafted more precisely, in order to avoid the threat of any arbitrariness whatsoever. That is why it is necessary to specify not only the "basic rights" but precisely stipulate that the fundamental individual and property rights and obligations of the citizens may not be violated, not only in terms of taxation but also of other mandatory payments. Such a specification of the guarantees would make them clearer and better understood by anyone and, at the same time, would provide an additional warning of unconstitutionality.

Paragraph 6 of Article 46 deals with social insurance. Once again here we clash with the authoritarian way of thinking. "The state ensures." In a democratic state such insurance is not assumed by the state, i.e., by the state budget. Funds from this come from the special social security funds which are separate from the budget. So far, in our country all insurance payments were paid to the budget and were lost in the budget. To the totalitarian state this was a revenue item. With our new structure, such payments must be mandatory and deposited in a special account in the bank and earn interest in accordance with all the rules governing deposits. They must be used for the payment of pensions, social assistance of all kinds, and other such. Naturally, this requires a special stipulation which must be included in a special law. This is the case in all advanced and organized countries.

There are two texts dealing with the "right to work," Articles 16 and 46. Let us set aside the fact that they should have been put side by side or even redrafted as a single article. Something else is more important. Our present doctrine and that of others ascribe to the word "labor" exclusively the meaning of physical labor. Mental labor, the work of intellectuals, physicians, teachers and scientists was not considered labor. It was looked at scornfully. This could be seen also by the wages: Physical workers earned higher wages than people engaged in mental work, even university professors. This old concept of the significance of the word cannot disappear with a magic wand or with an incantation. That is why we look with suspicion at the sentence: "The state (once again the state!) protects labor as a source of individual and social well-being". Let us skip the declarative nature of this statement. What precise type of labor is it a question of? Could it be possible that tomorrow an arrogant worker would stand up in front of us and begin to beat his chest, saying "I create the well-being!" No, I cannot accept such a formulation in a fundamental law. The stipulation in Article 46, paragraph 1, is even worse: "The citizens have the right to work." What if there is a crisis and unemployment? Would the unemployed citizens go to the authorities and start pounding on their desks, demanding the exercise of their right to work? They would be entirely right, for that right would have been guaranteed by the constitution. These are the mental shortfalls of a totalitarian demagoguery which, unfortunately, is difficult to overcome.

Article 17, paragraph 4, conceals the serious threat which, under certain circumstances, could blow up the market economy without the constitutional court being able to declare it unconstitutional. It stipulates that the system of state ownership is defined by law. All that is lacking is a single word to make this law acceptable. It must be emphasized that it is a question of public state property, for the state has two types of ownership. Public ownership is the only variety of ownership which is characterized by the state power (the imperium, as the lawyers say), for which reason it has been withdrawn from commercial activities. The other property of the state, which is within the commercial area, obeys all civil and trade laws without enjoying any privileges whatsoever. The overall formulation of the text makes it possible to provide legal privileges for the second type of state property as well, which would lead to things well-familiar to all of us from our recent past: total economic uncertainty, monopolism, etc.

Also poorly drafted is the stipulation on the membership of the Constitutional Court. A high percentage of the justices will be appointed and chosen by the president (the executive branch) and the National Assembly (the legislative branch). Yet the task of this court is to supervise these two branches. The result is that those who are to be controlled appoint those who will control them. It is necessary to involve other electoral bodies as well. The draft of the RDP [Radical Democratic Party] suggests the following: the Higher Council of the Bar, the General Assembly of Professors of Law Schools in the Country,

those who practice the legal profession and legal scientists. The same considerations apply to the members of the Higher Judiciary Council.

This analysis could be continued with many other examples. I believe that more examples, however, are not necessary. My basic idea, I hope, has been proved. The fundamental rights have been insufficiently guaranteed; unjustifiably opportunities have been granted for administrative arbitrariness by the executive branch; the equality among the powers has been disrupted, giving preferences either to the executive or the legislative. In this respect the judiciary or, more specifically, judges and prosecutors, have been particularly miscast. They are appointed by the president (Article 135). It would be suitable for judges to be appointed by the Higher Judiciary Council. Also unsatisfactorily settled is the matter of the irremovability of judges. This is considered more a principle rather than a specific rule. Thus, a judge who has reached the position of president of the Supreme Cassation Court, following the expiration of his mandate, should assume another judicial position which, at that point, is one of a lower rank. This is absolutely unacceptable. A person who has risen in the hierarchy of the judiciary must not subsequently be demoted to a lower position.

I am astonished to read and hear statements by various individuals as to the merits of this draft. It seems to me that such statements are not based on a close study but are dictated by other unconstitutional considerations.

Although this is only the start, statements in the Grand National Assembly indicate the real danger created by such considerations. Thus, a great deal is being said about the fact that Bulgaria must be defined as a "social" state. The arguments in favor of this are a matter for concern about social security. My objections are three: First, it cannot be postulated that we are a social state as long as the possibility to help people in difficulty are virtually nil and we have no special funds for that purpose. To me, this sounds like a mockery, for this word is given no meaning. Second, I would greatly prefer for concern for social security to be expressed in a streamlined system of standards which would provide such security. Third: Those who defend this word in the text are either unfamiliar with or ignore what a French professor said here at a seminar: It is thanks to this word that laws which violate the constitutionally guaranteed rights of the citizens may be passed, a violation which is justified with the argument of "social necessity". This sounds familiar, does it not? However, this is not all. There is yet another formulation which was dropped in the course of the debates but the restoration of which I also expect, i.e., that of the "social function" or role of ownership, borrowed from the arsenal of authoritarian and totalitarian theoreticians in the science of law. This formulation substantiates limitations of private ownership for the sake of the interests of society. Let us now link those three aspects: The state is social (i.e., it can violate rights); private ownership has a social function or role (i.e., it could be restricted); and the regime of state ownership is defined by law. The result is clear: The path

is being laid for a violation, for a gross violation of one of the most important rights of the citizens, the right to ownership.

That is why I am firmly convinced that the draft submitted to the plenary session cannot result in a good and a democratic constitution. Assuming that it is adopted in full, it will be far inferior to our own Turnovo Constitution.

Parliament Member Discusses Human Rights Issues

*91BA0695A Sofia PRAVA I SVOBODA in Bulgarian
15 Apr 91 p 4*

[Interview with Dimitrina Petrova, member of the Parliamentary Commission on Human Rights, by Mariana Panova; place and date not given: "With Reason and Tolerance"]

[Text] [Panova] As early as last summer, the subcommission for parliamentary control over human rights was to review the issue of political prisoners and those repressed, and present and past human rights violations in general. What were its findings?

[Petrova] About the time that our subcommission began its work, many political prisoners were freed through previous edicts. About 30 in all were in prison under the first chapter of the Criminal Code—for crimes against the republic, antistate activities, etc. And all were Turks with the exception of two or three. The men were in the Staro Zagor prison, and there was also one Bulgarian woman. I met individually with these prisoners, talked with them, and even before the commission on pardons was created, on my personal suggestion the president issued an edict and pardoned some of them. After our commission began working, its first job was to become familiar with all the cases of the political prisoners and through a recommendation to the president all were pardoned.

[Panova] Sometimes people make no distinction between pardon and amnesty...

[Petrova] Pardon is a personal act of presidential will. With a pardon there is no relation to the decision of the court, or to whether the sentence is just or not. It is simply an act of clemency that is carried out at the president's discretion. Whereas amnesty is a law, which is passed by the National Assembly. During 1990 there was January amnesty. The Grand National Assembly also passed a law of amnesty, under which many prisoners were also freed.

[Panova] Another of your subcommission's goals was to determine in what way the observance of human rights is ensured in the prison system, and to what extent our law for enforcing punishments corresponds to international norms. What are your conclusions?

[Petrova] In principle our law for executing punishments does not correspond to international standards. And even this law is not observed because of a lack of material conditions. And this is not something that we are now discovering for the first time. For example I will tell you, this is a monstrous fact for me, the situation at the Sliven women's prison is horrible. We went there during the

winter, and it had snowed. The water is icy cold. There is no warm water. Once a week they take them to bathe and who knows why, if they do not have fuel oil, and what not, they do not take turns in groups, but everyone goes on Sunday at the very same hour, and whoever manages, manages. And this icy cold water does not even flow out of a faucet, but from some sort of very suspicious black hoses and there is no possibility of at least getting warm. In one day we talked with 15 women and determined that most of them had gynecological disorders. Regardless of age or the length of their stay. The longer the time spent in the prison, the greater the assurance that the woman has undergone surgery. This is a pure violation. According to the international documents a person cannot be subjected to suffering and he cannot be treated in a way that violates his dignity and harms his health. The punishment is imprisonment. But one's dignity is dignity. Because it is humiliating to keep you dirty, to not let you wash yourself, for you to feel like an animal, besides all that these are women with economic crimes, falling through the fault of some bosses, each for 5,000 leva. One woman, a manager at a supermarket in the "Nadezhda" district, said to me: "I love exact accounts and I calculated, that I am here for half of the eye of Pencho Kubadinski's dog." Because she knew that his dog cost \$6,000. Women with criminal characters are isolated cases. The average group has such economic crimes. They fell out of stupidity. And there are even curious things. One woman was in prison for forging documents, and she was illiterate.

[Panova] Recently with a view to setting our legislative system in accordance with the international documents that protect rights, there has been talk that in general there is no mention in them of minorities. Is this true?

[Petrova] In general that is not true. One of the documents is even entitled "Rights of the minorities." Some people are attempting to say, that this term is not defined in the international documents. But first of all in the international documents that protect rights, a given term is rarely defined at all. Just as it doesn't define what a person is and what a right of life is. But, on the other side, it is clearly stated what is understood under the term minority. In the channel of our "rebirth process" there developed a completely erroneous argument, that the acknowledgement of the minority automatically gives it some special statute. Whence it follows, that the minority can demand territorial autonomy and whatever other terrible rights. That sort of thing does not exist at all, and that is speculation with the monstrous disinformation of the people. Juridically that sort of thing is not settled anywhere. And minority is defined very simply, as a group with ethnic roots. Collective rights proceed from this. And as for the individual rights, they are not distinguished from the rights of every other citizen.

[Panova] And what impact will Bulgaria's new orientation towards an integration into the European structures have on the issues related to the minorities?

[Petrova] A dangerous situation is being created. Right now for us, everything that is Europe, is good. In order for

a Bulgarian national idea to develop, in order for something to become independent around something of value, there must be a process of opposition. The image of the other is necessary, and this appears as the Asian. This applies to all of East Europe. These are the Turks, the Albanians, the Gypsies. In this context the very same process now in Bulgaria is running in an unfavorable direction for them. They serve as a boundary and paradoxically, but precisely through them, we are conscious of ourselves as Europeans.

[Panova] What, according to you, is the way to overcoming the interethnic conflicts? Obviously it is not going to happen just by the passage of a few normative acts.

[Petrova] It seems to me that the very posing of the question of overcoming the problem with a single solution is incorrect. There are situations which cannot be handled in such a way. Now we have begun to call socialism totalitarianism, and that is thinking inherited from that status quo. There is a problem and it must be solved immediately, in a central and comprehensive manner. With an ethnic issue the situation is different. It is just as if to say that immediately and without delay the problem of the fight against diseases must be solved. Or that everyone has the right to be loved. To be solved. To determine—the meaning of life. The national issue is the state of affairs, something inherited from history. It is possible to progress towards melioration, towards an improvement of the situation, but not towards a solution to the problem. There is no problem, there is a situation. And the situation must be eased, to go towards that, the culture to penetrate it more and more, to illuminate it from within with reason and tolerance. One can work in this direction. But not with single solutions. Only with education, culture, step by step, with slow half-way measures. For example in Finland there is a Swedish minority. But it has not occurred to anyone to solve the problem. That means there is something wrong in the very way that we try to approach the question. This is what I tried to say. Which, rendered in the language of a rights advocate, means to support those projects and steps in this direction, which ease relations and lead to mutual understanding, putting an end to every kind of violence and domination.

BSP Deputy Leader Yonchev on Headquarters Arson
AU1107120391 Sofia DUMA in Bulgarian 9 Jul 91 p 4

[Interview with Dimitur Yonchev, deputy chairman of the Supreme Council of the Bulgarian Socialist Party, by Vasil Popov; place and date not given: "Yonchev Thinks the BSP Headquarters Arson Case May Enter a Blind Alley"]

[Text] [Popov] If the judicial inquiry confirms the charge, which mentions the names of well-known figures, will this not be the end of some people's political careers, such as Trenchev's for example?

[Yonchev] Unfortunately, this case is becoming increasingly attractive for those who want to use it for political purposes. It clearly involves persons who would not like to be discredited before the elections. I would not be surprised if the judicial authorities drag things out and the case enters a blind alley.

For this reason, one of the important tasks is for the court to issue its verdict and punish the guilty parties. This will strengthen the public's confidence in the democratic institutions.

[Popov] Is the impression true that the leadership of the Bulgarian Socialist Party [BSP] is apparently not very worried about the course of the case?

[Yonchev] As the injured party, the BSP Supreme Council is not indifferent toward the outcome of the case. We realize how important it is for society that the case should be prosecuted entirely within the framework of the law. This is one of the reasons why we are not using the arson case as a central propaganda topic in the mass media.

We have always supported the full application of the law to those responsible for the arson. The letter on the case that people's deputies Nora Ananieva and Zhan Videnov recently handed to the public prosecutor is written in the same spirit.

As long ago as last February and March, Chavdar Kyuranov, Lyubomir Kyuchukov, and I requested a meeting with the chief prosecutor, and he was kind enough to inform us about the progress of the investigation. During our talks we also raised the subject of the so-called Case No. 1 [trial of Todor Zhivkov] and possible trials in connection with the camps, the persons responsible for the economic crisis, and so on. We have not slackened our attention to these matters, but we have taken the requirements of the law into account.

[Popov] Has any pressure been applied to officials in the opposite direction?

[Yonchev] Certain forces in society have spoken out against seeking the truth, although they wanted to remain anonymous. Ms. Ana Karaivanova, the prosecutor dealing with the case, has been subjected to strong pressure and threats.

Anyway, the investigation was concluded recently, and the indictment submitted. The judges have already been selected.

[Popov] A special parliamentary commission has also been working, in parallel with the investigation organs. What has it achieved?

[Yonchev] The commission was broad in its composition, being led by Mr. Lyuben Grozdanov, member of the Supreme Court and a professional lawyer. It was set up by unanimous agreement a few days after the fire, when we were all still in a state of shock. All the political forces in parliament are represented on the commission. The commission gathered an immense amount of material, questioned 80 persons, and heard an expert fire brigade report. It has held over 40 sessions. Vasil Palatarkin and several others worked very hard in the commission.

Evidence was collected from the beginning of September to the end of November [1990]. On the basis of the extensive material, the commission set out its own version of the arson in a report. The main point in the report was that instigators and organizers of the fire did exist. The central figures mentioned were Evgeniya Saman and two people

called Dzhunrekov and Dechkova. The indictment essentially confirmed the role played by these and other persons, since it also mentions the same names. These people come from the civil disobedience movement.

[Popov] A few days ago the leaders of the "In the Name of Truth" Movement issued a warning that they may reestablish the tent city.

[Yonchev] As I read in the newspaper, at their news conference Aleksandur Kazandzhiev stated that their peaceful means of protest will not always be lawful. One should remember such statements.

[Popov] Why was the parliamentary commission's report not adopted?

[Yonchev] Because the situation had already changed. The experiences of the fire had given way to other passions, and the viewpoint emerged that the report is tendentious. This was indeed a far-fetched assertion, considering the vast amount of evidence.

[Popov] What happened to the theory put about that the BSP set fire to its own headquarters?

[Yonchev] This absurd propaganda balloon was burst by both the judicial investigation and the inquiry by the parliamentary commission.

Three New Police Chiefs Appointed

AU1007175891 Sofia DUMA in Bulgarian 6 Jul 91 p 2

[Text] Colonel Atanas Tankov, 45-year-old former chief of the Fifth Municipal Directorate, has been appointed as the deputy director of the National Police Service. He began work in the police force as a criminal inspector in 1967.

Colonel Petur Kodzheykov, 45 years old, is the new chief of the capital's police force. He is the former chief of the Fourth Municipal Directorate and for many years has been involved in preventive crime work.

Former chief of the Sixth Municipal Directorate, 45-year-old Krasimir Andonov, has been appointed as deputy director of the Sofia Directorate of Internal Affairs.

Changes to Military Insignia Explained

AU1107165891 Sofia BULGARSKA ARMIYA in Bulgarian 8 Jul 91 pp 1-2

[Interview with Lieutenant General Stoyan Buchvarov, deputy minister of defense, by Sofka Koseva; place and date not given: "There Will Be No Five-Pointed Stars"]

[Excerpts] [Koseva] General, what has so far been accomplished in connection with altering military uniforms in connection with the recent Ministry of Defense resolution on the subject and in accordance with the new sociopolitical situation in our country?

[Buchvarov] The officers' dress uniform has been altered. They will now wear stripes on their collars and cuffs. [passage omitted]

In accordance with contracts we already signed we are about to engage special fashion designers' collectives for a totally new design of insignia, distinguishing badges, and

accessories whose work is expected to be completed by October 1991. Nevertheless the comprehensive solution of these problems is a difficult, responsible, and time-consuming task requiring considerable additional financial resources and technical skills.

Taking into consideration all these circumstances, the Ministry of Defense leadership realizes the expediency of the decision that all decorative insignia and distinguishing badges on the uniforms that are of any ideological significance and likely to evoke hostile attitudes against the Army should be eliminated as soon as possible. [passage omitted]

[Koseva] What are the new insignia supposed to look like?

[Buchvarov] The five-pointed stars will be eliminated from the badges. Cockades will generally remain the same with small alterations (except for those for the rank and file soldiers and sailors). This is being done for financial reasons. The soldiers' and sailors' cockades have totally changed. Badges decorated with the tricolored flag and the lion similar to that of the officers' cockades are being introduced. [passage omitted]

The insignia indicating the relevant branch of service and the uniform buttons, however, remain unchanged. This question will be resolved at a later stage on a priority basis.

[Koseva] I presume that the costs of the replacement of belts and cockades are not irrelevant to you?

[Buchvarov] According to specialists' estimates the necessary financial resources for the purpose should amount to approximately 400,000 leva.

Nevertheless, in trying to reduce expenditures, the Army personnel—officers and sergeants, will continue to wear their personal cockades after taking off the five-pointed stars. The cast-off cockades and other insignia that have been eliminated are expected to be collected and sold to private companies that are willing to purchase them.

We are convinced that this will contribute considerably to reducing expenditures so that the budget should not be overburdened.

Singapore Computer Companies in Domestic Market

91BA0764A Sofia DELOVI SVYAT in Bulgarian
20 May 91 pp 1-2

[Article by Ivan Georgiev: "The Asian Connection": The Dekart & AKT Company Strategy"]

[Text] So far we have rarely had the opportunity, considering that private business in this country is in its infancy, to give examples of successful or inappropriate company development strategies. Carried away by macroeconomic problems, we fail to clarify that the most important factor of private business is flexibility and adaptability (which, at the same time, is also its "Achilles' heel"). In our country, as anywhere else in the world, small and medium-sized firms are undergoing a process of constant mergers, "branching out," creating new connections and breaking old ones, dying, and being born. They present a variegated kaleidoscopic picture against the background of merciless competition, and the aspiration—I could also, without being wrong, describe this as the "urge"—to survive.

A decisive factor for succeeding in these conditions, is, above all, a proper strategy in developing new connections. Perhaps one of the latest examples of a transition to a new level in business through merger, followed by the development of a new structure, is the D & A Limited Liability Company, which is a member of the international economic group known as TEAM International and the Bulgarian distributor of the AKT Technologies Pte Ltd., located in Singapore.

The Marriage

D & A combines the company firm of the Dekart Company of Citizens in Sofia, which has become known as the producer of software (for computers) and supplier of program-technical systems and electronic equipment for services (the so-called office equipment) with the similar company in Plovdiv, the AKT. There was great similarity between the two companies. They had been created, the first in September and the other in October of 1989, by enthusiasts in the field of electronics and computer technology, for which reason they have nothing in common with the present (rather speculative, in my view) thrust toward private business at all cost. Currently Dekart is the official distributor in Bulgaria for the companies IBM, CITIZEN, Microdesign Pte Ltd., and IPG. It has a network of agencies and stores in 11 large cities in the country. The AKT, in turn, quickly became one of the noted suppliers of personal computers and office equipment, with an agency in Sofia and branches in Kyustendil and Kurdzhali. By supplying equipment for computer-video connections, it was able to achieve the status of official distributor of American companies leading in this area: Digital Vision and Willow Peripherals.

The Family

According to its director Boris Bekyarov, the D & A firm has determined as its strategy, through the merger, to assume a leading position as supplier of computer equipment, office equipment and household electronic goods to the Bulgarian market, making use of the potential of Dekart, AKT and AKT Technologies, located in Singapore.

"The main idea," Bekyarov claims, "is to ensure rhythmical and systematic procurements for Bulgaria, at advantageous prices, and with good quality. There was a time during which computers manufactured in South Asia, including Singapore, were not considered to be of good quality. This, however, is the long-past stage of "yellow computers." The prices at which we can offer them are low!

Bekyarov believes that the partners in Singapore are familiar with the conditions prevailing on the Bulgarian market and, through the network of branches in 15 cities and the opening of new stores, will be able to supply both complete systems wholesale and equipment and software support.

"Given the present condition of the economy," Bekyarov believes, "the customers are showing a certain reluctance.

They find it difficult to invest in electronic equipment. However, this is a temporary situation."

The D & A has also taken initial steps to export to the South Asian market: A contract has been signed for several specific software products manufactured in Bulgaria.

Most impressive is the third objective of the strategy: for D & A to assume a key position in the United States-Asia-Europe triangle, as member of TEAM International, which is an economic group.

The Partners

I met Mr. Johnny Lim, director of AKT Technologies Ltd., and Mr. George Dzen, commercial director of Laser Computer Systems, which is the Singapore "connection" of the D & A Company, who were on their way to Burgas. The two businessmen had a very optimistic view concerning the joint enterprise with their Bulgarian partners.

Mr. Lim emphasized their intention to sell at low prices (relatively speaking) as an essential advantage in business, considering the present condition of the East European economies. This specifically referred to the East European economies, for they were hoping to profit from the very advantageous position held by Bulgaria in establishing connections with the southern and central Soviet republics, Romania, Czechoslovakia and, perhaps, Poland. In Hungary, that same Singapore company already achieved a small foothold, as it has in the USSR, in Kiev especially. However, they are relying heavily on their Bulgarian partners. In the Balkans, they have organized a joint venture, exclusively with them.

"The personnel of the two Bulgarian companies are well-trained and competent," said Johnny Lim. "We are hoping to develop here a center for the dissemination of electronic equipment and software support in the East European countries."

A major branch consisting of four stores will be established in Burgas. It is clearly "targeted" at the Bulgarian and Soviet markets.

I asked the two Singapore entrepreneurs about hindrances to doing business in Bulgaria. However doubtful the situation may appear to some, neither Lim nor Dzen dramatize the difficulties concerning the legal aspects and the

difficult economic situation. However, they did not conceal the fact that they are greatly hindered by the underdeveloped telecommunications system. Outside Sofia and some of the larger cities there are virtually no possibilities of "promoting" the business.

It is still too early to say what will come of the D & A strategy and the extent to which it was accurately chosen. There is no question, however, that the "Asian connection" and the merger place our small private firms in an entirely different system of operations. Actually, this is something typical of modern business, which considers political boundaries separating countries nothing but a minor additional problem.

Building Trade Unions Threaten Strike Action

AU1107120591 Sofia DUMA in Bulgarian 9 Jul 91 p 2

[Report by Boryana Buchvarova]

[Text] We want jobs for the building workers, states a declaration of the Federation of Independent Building Workers Trade Unions addressed to the government. The federation has 200,000 members, and threatens to take strike action.

Over 30,000 building workers have been laid off, a further 10,000 are working half-time, and about 12,000 are seeking work after returning from the USSR. At the same time, there is a growing need for purification and treatment plants, health establishments, and housing for the socially disadvantaged. The companies in the construction industry and the building materials production enterprises are under extreme production pressure, journalists were told.

The federation insists that the government clarify what will happen to the construction industry. No ministry of construction has existed for three months now, and there is still no minister responsible for the building industry.

New jobs will be found if some of the foreign credits are earmarked for investment in construction in light industry and agriculture. According to the brightest forecasts, by the end of this year 10 percent of those employed in the construction industry will have to work outside the state sector.

At present, about 10,000 building workers are employed abroad. It is planned to increase their numbers to 20,000 by the end of the year.

Carnogursky on Completing Gabčíkovo Dam Project

*LD1007143491 Bratislava Ceskoslovensky Rozhlas
Radio Network in Slovak 1000 GMT 10 Jul 91*

[Interview with Slovak Prime Minister Jan Carnogursky, Viliam Oberhauser, Slovak minister of forestry and water economy, and Julius Binder, director of the Vodohosp-darska Vystavba state enterprise, by Jan Janosi; date and place not given—recorded]

[Excerpt] When journalists asked [Slovak] Prime Minister Jan Carnogursky yesterday why he is to visit the Gabčíkovo water project, he told them that he, as a good lawyer, is going to visit the subject he will be holding talks on in a few days. The talks will take place next Monday with representatives of the Hungarian Government. The prime minister was accompanied in Gabčíkovo today by Viliam Oberhauser, [Slovak] minister of forestry and water economy, and Julius Binder, director of the Vodohosp-darska Vystavba [water project construction] state enterprise.

Jan Janosi has invited all three of them to his microphone. Jan Carnogursky was first to express his impressions:

[Carnogursky] We could all see that the Gabčíkovo project is 85 or more percent complete and that the Gabčíkovo—all that which has been constructed—cannot be removed. This means that in order to prevent ecological damage we must complete the Gabčíkovo project rather than not complete it. There is no final stand of the Slovak government on this to date—we should have it in about two weeks' time. We are going to the talks with the Hungarian side with a directive which has been approved by both the Slovak and the Federal Government. This directive envisages the option of being able to complete the Gabčíkovo project on the basis of a decision which the government will adopt after the talks.

[Janosi] Mr. Minister, the project is nearly completed. When do you envisage—if everything goes well—it generating the first electricity?

[[Oberhauser] We have a draft concept for the completion of the water project which also takes into account the possibility that agreement will not be reached with the Hungarian side. In the case of a speedy solution of the construction of the whole project, which would be based on the assumption that we return with the Hungarian side to the implementation of the original agreement, then we reckon that the Danube should be dammed in the spring of next year, and turbines could start working sometime in May or June next year. Naturally, the entire completion of the water project will continue, but from 1993 sources obtained from the project's operation—that is electricity and also shipping—could finance the completion of the projects from 1993. You can see from all this that it is very important for us to continue the work on the project to bring us economic profit—simply for it to become self-financing—and for us to be able to complete it. Connected with this is the completion of all those ecological parts of the project—if there is no money then you know that it is difficult to solve ecological conditions which exist around the Gabčíkovo and around the Danube. There we envisage

such solutions which would turn the area into an oasis of good natural environment, and where people would rest. [passage omitted]

Reorganization of President Havel's Office

*LD1007204991 Prague CTK in English 2005 GMT
10 Jul 91*

[Text] Prague July 10 (CTK)—Czechoslovak President Vaclav Havel today announced a reorganization of the President's Office, including the abolition of the Presidential Collegium and his team of advisers, intended to create better coordination of its political and planning functions.

Havel told a press conference the "brain" of the Office will be a team of presidential assistants, working in three sections: foreign policy, headed by Alexandr Vondra, domestic policy, led by Jiri Krizan, and a new department of defense and security policy, run by Oldrich Cerny.

The office as a whole will be headed up by Karel Schwarzenberg, who in his role as chancellor will serve as the office's administrative overseer.

Havel said the President's Office under the communists was not a political office, but primarily a position for high party functionaries, existing purely for the purposes of protocol.

HZDS' Knazko on Slovak Politics, Future

*91CH0686A Prague LIDOVE NOVINY in Czech
6 Jun 91 p 11*

[Interview with Milan Knazko by Petar Husak and Stefan Hrib; place and date not given: "Through Slovak Eyes"—first paragraph is LIDOVE NOVINY introduction]

[Text] "Who is Milan Knazko?" He is not a communist. He is not a fascist, an anti-Semite. He is not striving to have Slovakia attached to the Soviet Union. He is like a bulldog who bites and then does not let go. A politician, who has not put down his weapons and who is convinced that he will return to government, together with Meciar.

[LIDOVE NOVINY] Mr. Knazko, do you really believe that democracy in our country, and particularly in Slovakia, is merely some kind of practical joke or a farce?

[Knazko] People who brandish parliamentary democracy manipulated the results of the elections. The VPN [Public Against Violence] Party won and handed power over to the KDĽ [Christian Democratic Movement]. The composition of the government does not reflect the results of the free elections. It is not possible to doubt this situation.

[LIDOVE NOVINY] The VPN has split. That is why the number of its delegates in the Slovak parliament is smaller than, or equal to, the number of KDĽ delegates....

[Knazko] Who split it? Who negotiated with whom to invalidate the coalition, to violate the results of the elections? The voters voted for the VPN. It is none of their business if some politicians had different views.

[LIDOVE NOVINY] But the HZDS [Movement for a Democratic Slovakia] proclaimed itself to be the opposition....?

[Knazko] It did not so proclaim itself. We were not invited to participate in the coalition discussions. They recalled us from the government and we found ourselves in opposition. That is the difference.

[LIDOVE NOVINY] I read a proclamation on the basis of which you are becoming the opposition.

[Knazko] That was after we were recalled. With whom should we form a coalition after being recalled?

[LIDOVE NOVINY] I was at a press conference at which the KDH offered you a place in the coalition.

[Knazko] At the same time, however, they recalled the prime minister. This is a violation of the results of the parliamentary elections. They replaced him with someone from the KDH. Under these circumstances, we shall not be part of such a government.

[LIDOVE NOVINY] The whole thing is a question of one person....

[Knazko] It is a question of principle.

[LIDOVE NOVINY] The VPN could remain as the leading political movement in parliament, even if Meciar was recalled.

[Knazko] But this did not happen, why?

[LIDOVE NOVINY] And you claim that this was not caused by the fact that you refused to join the coalition?

[Knazko] I not only claim so, it is a fact.

[LIDOVE NOVINY] Thus far, the consequences of the economic reform have not managed to impact with all their force. Unemployment is growing. Is this not a perfect political trick to join the opposition during the most difficult times and to take over power once people will again be in the streets?

[Knazko] However, we did not perform this tactical maneuver. The political decision that Meciar and Knazko would be recalled from the government was made on 6 March by the VPN Council. Some two to three weeks later, the presidium began examining the efficacy of our departments.

[LIDOVE NOVINY] Many economists and politicians promise nothing other than blood, sweat, and tears and then possibly better times. What alternative will you offer the people in the event that you again take on governmental political positions?

[Knazko] I feel myself to be incompetent to speak about subsequent steps of the reform.

[LIDOVE NOVINY] You do not have to. But as an opposition politician you should have a general notion regarding its alternatives.

[Knazko] There are social limitations within which society is capable of surviving. We must not breach those limitations. I do not know whether these limitations are defined.

[LIDOVE NOVINY] Despite the social difficulties accompanying the various steps of economic reform, it represents the speediest way out of our predicament.

[Knazko] We were never against a radical economic reform. Never.

[LIDOVE NOVINY] Inadequate social policies are restricting the success of the economic reform....

[Knazko] If we breach certain limitations, it will cease functioning, I believe.

[LIDOVE NOVINY] Boring journalists—for example, those from LIDOVE NOVINY—attack you. Do you not sometimes want to return to the theater?

[Knazko] Politics is not a career for me. I have the zenith of my popularity behind me. It is not even an economic victory. A ministerial salary represents barely one-half of my total income. And I laugh less than I do in the theater. When I was traveling about the villages and towns, where people literally touch you, where grandmothers and grandfathers say to you: You will not disappoint us, not you..., I cannot tell them now that I will represent them if I am at the stage door. Mr. Ondrus once said that Meciar was dangerous as a result of his capabilities. They recalled an unusually capable individual.

[LIDOVE NOVINY] Perhaps, at one time, they elected him for the same reasons....

[Knazko] Undoubtedly. However, it is also one of the principal reasons why he was recalled. I want to help him get back into government. That is why I shall not leave politics.

[LIDOVE NOVINY] For Czechs, the situation in the ZDS is unclear....

[Knazko] They all represent the political center. We, too... (laughter). We would like to refute the contention that that which is Slovak cannot be democratic. Neither a rosy totalitarian regime, nor Balkanization, nor any similar paper scarecrows threaten here. We want to gather together people who perceive the social needs of society and who support the development of democracy, humanism, and entrepreneurship at the same time.

[LIDOVE NOVINY] Slovakia is striving for legal subjectivity from the nationality standpoint. The Czechs have the opposite view?

[Knazko] Czech politicians have a subjective need called Czechoslovakia. Because that was the way in which the first republic came into being. We are once again living in a federation which we have, de facto, not experienced. It is a cover name for something which does not exist. Either we create it or we do not. We must define the content of our coexistence and, thereafter, seek its form. We have accepted the form and have serious fears that we shall not be able to push the content, which we are defining only now, into that form. When Valonska, the Belgian minister of foreign affairs, was here, he said that Belgium will remain a confederation until the year 2000. I am convinced that after returning to Belgium the federal authorities did not serve him up for a meal and designate his speech as being fascist or separatist. In short, it is a natural development.

[LIDOVE NOVINY] However, Belgium is in a different political situation, and particularly a different economic situation.

[Knazko] Undoubtedly. But they were in a similar situation 20 years ago.

[LIDOVE NOVINY] However, this is 1991 and Europe is not waiting....

[Knazko] But Europe is not waiting for what? What is Balkanization? Please define this straw man for me. Who let this genie out of the bottle and why?

[LIDOVE NOVINY] Capital knows no borders; moreover, it unites Europe. A larger economic entity can more easily come to terms with the giant economic problems inherited from totalitarianism than a smaller national entity can.

[Knazko] Watch out—not always!

[LIDOVE NOVINY] A smaller entity can deal with local problems with more flexibility. But not with very big problems such as the conversion of armaments production. However, if the nationalities principle will be reflected in the economic reform in such an unfortunate manner that it will divide a small area into two smaller entities, this is not a step forward. It is Balkanization.

[Knazko] The individual republics in the Soviet Union will come to terms with the miserable economic situation sooner. The center cannot manage. We shall make Balkanization impossible if we set about solving our problems in a cultivated and legal manner.

[LIDOVE NOVINY] In the event we become partitioned, our step into Europe will become economically more complicated?

[Knazko] That is debatable.

[LIDOVE NOVINY] How do you mean?

[Knazko] Many specialists claim the opposite. A small economy is more adaptable. The national economy is also only some kind of concept.

[LIDOVE NOVINY] However, there are economic ties between the Czech Republic and the Slovak Republic. We are not building anything in an empty field....

[Knazko] I learned an interesting fact from the negotiations surrounding the so-called catastrophic scenario which were initiated by the Czech National Council. I consider that analyzing the situation as to what would happen with Slovakia in the event of partition to be a nonserious approach.

[LIDOVE NOVINY] One of the Slovak delegates argued that the Czech National Council is solving this political problem precisely because the Slovak National Council is not analyzing its consequences....

[Knazko] We never dealt with partitioning the republic. We continue to speak of a joint state, a joint agreement, valid under international law. Why are we a federation internally? Why do other values apply internally than externally? Why is this lunacy syndrome being asserted in the constitutional arrangement? If, within the area of a

therapeutic institution, you proclaim yourself to be Napoleon, everyone will say to you: Yes, you are Napoleon. When you leave that institution and begin claiming that you are Napoleon, everyone will automatically tell you that you are a lunatic. This is our case. Toward the outside, we are a unitarian state and, according to the Constitution, we are behaving internally like two national states. After all, we have the Golden Chapel shrine, the Slovak National Theater, the Czech as well as the Slovak National Councils. And in spite of these facts, we are ethnic groups, or regions, from the international viewpoint. The most recent materials, dated 1990, which are at the disposal of the U.S. Department of State, contain the statement: The Czechoslovak Republic—the “Czechoslovak” nation, two semi-autonomous republics, ethnic groups—Czechs, Slovaks, Hungarians, Germans, Ruthenians, etc.

[LIDOVE NOVINY] Slovakia is not known in the world?

[Knazko] The Slovaks are one of the least well-known people in the world.

[LIDOVE NOVINY] And why is that?

[Knazko] It is because of the monopolization of foreign relations. There are seven most important countries in the world which determine the economic and political functioning of the world (Italy, Germany, France, Great Britain, the United States, Canada, Japan). If we add Belgium to this number—the headquarters of the EEC, NATO, and the European Parliament, as well as China and the Soviet Union, we arrive at 10 most important countries in the world. It is not without interest that [our] ambassadors to these countries number nine citizens from the Czech Republic and one from Slovakia. I do not accept arguments that state that these are the most capable federal citizens. There were never any competitions designed to identify ambassadors. The argument that this is the legacy of the past is not true. Nine of the 10 ambassadors were appointed by Mr. Dienstbier. I did not invent parity representation. The Belgians have been functioning this way for 20 years.

[LIDOVE NOVINY] And what about a just agreement adopted by both nations without having any international validity?

[Knazko] I do not consider it to be adequate.

[LIDOVE NOVINY] The Czech side will, however, not go beyond that limitation.

[Knazko] And why not? Why is that the forbidden 13th chamber?

[LIDOVE NOVINY] And the Slovak side will not drop beneath this limit. How will this be resolved?

[Knazko] The way out for Czechoslovakia is not a federation-type communal republic, but a community of states. A United Europe is a treasure as a result of its diversity. This is not unification in the same sense as eradicating ethnic wealth. I am convinced that Slovaks have a small chip of glass in this European mosaic.... It was manifested during the time of an independent Slovakia. People who refer to this fact are not doing so because they are fascists, but because they wish to be independent. It is their

constitutional right. Germany has become unified. Did anyone designate them as being fascists? And they had a greater share in what occurred between 1939 and 1945 than did Slovakia. If the KDH attempts to achieve a certain form of independence, then it is the clerofascists—that is, a return of the Slovak state. If the SNS [Slovak National Party] tries for the same, then they are nationalists, separatists. If we try for the same thing, we are red putschists, who wish to attach Slovakia to the USSR. Do you think it is correct for the president to have already stated three times abroad that he will not permit the military to intervene in Slovakia? Did anyone express such a wish? And against whom is he defending us? I was asked by the Foreign Committee of the Slovak National Council what I was doing for Slovak regions? I said: Nothing. Slovak regions have no partners anywhere in the world, because the region is Slovakia. Regional agreements are being concluded by some republics and regions in Yugoslavia, in Belgium, by historical regions of Italy, France, by counties in Hungary, by Polish voivodships. However, these entities are no partners for Zahori, Zemplin, etc. Is that not a pity?

[LIDOVE NOVINY] Even the current prime minister of the Slovak government would like to see Slovakia as part of the European Council or the United Nations. Is he not an adequate guarantor for the Slovak problem?

[Knazko] We shall see. It began with an agreement, upon which the KDH insisted. Now, there is already only talk of some kind of agreement. Whether we shall enter Europe as a federation, as a unitary state, or as an economic and customs union, that is something for us to decide.

[LIDOVE NOVINY] However, these are alternatives which have varying economic consequences.

[Knazko] They are alternatives. Let them be judged by specialists.

[LIDOVE NOVINY] ...However, this is connected with politics. Where economic reform prevails, politics will also be a winner.

[Knazko] Every alternative solves a certain political tension. It has its economic advantages and disadvantages.

[LIDOVE NOVINY] Before Mr. Gal went to England ...

[Knazko] ... Mr. Gal ... (deep sigh)

[LIDOVE NOVINY] ...he granted an interview to LIDOVE NOVINY from which it was indirectly clear that he was departing to rest in a distant foreign country because he is a Jew. How does Slovakia intend to join Europe?

[Knazko] That is a problem for Mr. Gal. Mr. Gal also said in an interview with MLADY SVET that the city of Bratislava is plastered with anti-Semitic posters. Go find those posters. I will give you 100 korunas for each one. I was in Paris for Christmas. I learned from the news that some 32 Jewish graves were destroyed there. Are the French anti-Semites?

[LIDOVE NOVINY] I attended several demonstrations at which the anti-Semitic spirit showed through.

[Knazko] Mr. Gal very much elevated the anti-Semitic mood because he accused people of being anti-Semitic without them actually being anti-Semites. During the period of the revolution, I received tens of letters which stated on which tree I would be hanged, what they would do with my wife, where they would pour acid over my child.

(Transcribed from a tape recording. After agreement with Mr. Knazko, this interview was not authorized.)

VPN Functionary on Today's Slovakia

91CH0679A Prague REPORTER in Czech 19 Jun 91
pp 4-5

[Interview with Professor Miroslav Kusy, member of Public Against Violence Council, by Lukas Marvan and Jiri Seydler; place and date not given: "Elsewhere, Blood Is Flowing"]

[Text] [REPORTER] Has the situation in Slovakia crystallized by the recall of former Prime Minister Meciar and his replacement by Jan Carnogursky?

[Kusy] I believe that this concluded another stage in our development. We were greatly relieved. It was a tendency we found wholly unacceptable, leading away from the democratic principles toward some sort of a leader principle—essentially, a dictatorship. I personally have no ranting experience with Meciar, he is a man capable of offering grand solutions to many problems but at all times he approached them as an individual, as the leader type. A characteristic example occurred at our last congress. We proposed an alternative solution to the problem of the movement which the ZDS [For a Democratic Slovakia] group did not have on its agenda. We proposed that they consult among themselves about our proposal. Then suddenly a voice came from the rear of the hall: "Meciar agrees!" In a jiffy, Meciar decided for the others even though those present included Budaj, Knazko, and all the movement's prominent figures. I could see on their faces how unpleasant it was for them. Until then Budaj was not accustomed to dancing to someone else's tune, but now he suddenly fell into the role. We were greatly relieved; we see clearly where we are and where they are heading. To us the parliamentary methods of political struggle are of the essence; they want to stand outside the parliament. Their arsenal includes demonstrations and strikes but they are not united; a number of their deputies would like to hold on to the parliamentary basis. The problem is that we don't know when and where the Meciar phenomenon might suddenly pop up.

[REPORTER] What is the attitude of the Public Against Violence toward KDH [Christian Democratic Movement]?

[Kusy] To us KDH is the coalition partner accepted as an unavoidable fact. We have no other alternative. But this does not mean that our reservations toward KDH are thus obliterated. It would be nonsense to maintain that we surrendered political power voluntarily to KDH: We had lost it long before, thanks to Meciar. He went his own way and took no account of us. With Carnogursky we might be

able to find agreement on the rules of the game; with Meciar it was not possible. He was not willing to accept any compromise because he was convinced that he alone had the nation behind him and therefore did not need the parliament, the coalition or even the political movement which placed him at the head of the government. KDH is in a situation where the parliamentary majority is very shaky and therefore must operate very cautiously.

[REPORTER] In a year there will be elections. Is it your opinion that the majority of Slovaks will support Meciar?

[Kusy] Preferences in evaluating public opinion are very tricky business. This shows in opinion polls. Not surprisingly they reflect rises as well as ebbs, and not only in Slovakia. The Meciar trend is based on populism and demagoguery, on promises that cannot be realized.

[REPORTER] Do you believe that the publication of facts relating to Meciar's performance in government office had an effect on public opinion?

[Kusy] Definitely. The pro-Meciar wave owes its success in the first place to emotions; it lacks any deeper foundation. We have found that the agreements the former prime minister concluded abroad and the job opportunities he allegedly secured simply do not exist. It was only signed protocols without any concrete results. His explanation was that agreements of this kind are not concluded during government visits but are negotiated subsequently. In reality nothing of this sort was even mentioned in the protocol. But it was great to operate with slogans such as a hundred thousand jobs in Germany or sales to the Soviet Union. When a savior comes to the factory and tells the people, "I have for you a simple recipe how to overcome the crisis painlessly, how to avoid the complications they are having in Bohemia, we need not go the Klaus way of reform, we have our specific Slovak trick to deal with it," such gratifying proclamations are bound to be believed by the people. Here I see Meciar's greatest sin committed against the Slovak nation. His conduct ultimately earned him so many enemies among his political partners that he no longer could stand up to them. It was actually he who created a parliamentary coalition against himself.

[REPORTER] Was it perhaps naivete on the part of an experienced politician, or a gamble for all stakes?

[Kusy] Meciar is not a experienced politician, he did not have time to gain the experience. He is the tough type, a man who pursues his goals quite recklessly. Actually he behaved in this fashion right from the start, creating pressure situations one after another. Each time he promptly ran to the TV station, contending that Slovakia was in mortal danger, that it was a funamental crisis and that he had to do everything he could to resolve the problem. In the end it always turned out that nothing complicated was at issue. Within a half-hour he made an agreement with Dobrovsky on army deployment in Slovakia but in the public eye he paraded as a "knight on the white horse." In politics a pressure situation is necessary once in a while when the need is to push forward a specific problem, but placing the entire political situation on continuous pressure acts is, as you yourselves put it, a gamble for all stakes.

[REPORTER] Do you think that Meciar is aware of his political faults?

[Kusy] I doubt it. He is embittered because he is convinced he wanted only the best for Slovakia. And this precisely is the case of a Messianic personality. He does good for the nation, but the nation may not "intrude" on what he does.

[REPORTER] Some people in Bohemia fear that the majority of Slovaks will stand behind Meciar in any situation, whatever they might learn about him.

[Kusy] The intellectual elite will not support him. This is of course a minority but nevertheless a very important phenomenon. When things were moving toward "knife's edge" crisis situations we used to tell him, "Are you aware that the intelligentsia is not behind you?" His reply was, "Praise the Lord, I am not interested in having them." Meciar needs the simple person who believes in him and has no doubts whatever. He always resented it when we opposed him. He regarded it as undermining his authority.

[REPORTER] What is your view of the fact that the SNR [Slovak National Council] deputy chairperson Olga Keltosova apologized to people in the street for the Presidium's decision and that A. Dubcek moved toward the ZDS platform, which is actually the opposition, yet nevertheless remains in the post of the Federal Assembly chairman?

[Kusy] I told Mrs. Keltosova, the SNR deputy chairperson, publicly, and she quoted me on it, that it was a duplicitous thing to do. After all, one cannot be a member of the collective head of the state while at the same time publicly undermining its authority. SNR is composed of a number of political forces but it is not for the Presidium's activities but only internally. This is by no means a communist or Bolshevik custom but rather practicing generally known and accepted democratic rules. I emphasize again that we are talking about the collective head of state. For the Communists, on the other hand, each crisis situation offers an opportunity to attack. SNS [Slovak National Party] behaves in the same fashion. Everyone has the right to express his opinion but if he disagrees with the government coalition he must move into opposition. Dubcek has not moved to the ZDS side but decided in favor of neutrality. Although he quit the VPN Slovak council he did not become a member of ZDS. Thus he placed himself outside the problem.

[Kusy] Don't forget that tensions always concentrate in Bratislava. Outside of the capital things are different. Moreover, on certain occasions Bratislava is the rallying point of various militant campaigners from all over the country. I myself have experienced certain problems, people yelled at me in the street, but I believe that things are still running in a relatively decent fashion. So far no blood has been shed, as for instance in Romania. No one has been injured or killed. I hope that it will remain this way. In every democracy one finds groups willing to go to the extreme.

[REPORTER] What is your comment on the attempts to insult the president of the Republic?

[Kusy] I was in the president's entourage. We heard insults, people kicked the car, but no one assaulted him

physically. I do not want to excuse anybody, but say only that more serious incidents do occur in the world. Many people believe that some Slovak and Czech print media compose an image of Slovakia out of the activities of chauvinist and nationalist groups. This is not true, that event was recorded by domestic and foreign television. Understandably, Europe is very sensitive to manifestations of fascism. That's how it should be. The European nations' experience is not yet dead. Hitler seemed ridiculous when he emerged on the scene. Everyone laughed at him. He was just a clown and a wretched idiot who could never hope for success. And then we saw how he rolled over Europe. Therefore we must be extremely sensitive to similar manifestations. In Slovakia we have our own experience with fascism. No one will convince me that what was here during the war was an innocent affair. It was a totalitarian state, organized on the Hitler or Mussolini leader-principle.

[REPORTER] In a meeting with representatives of political parties, movements and associations Mr. Meciar stated that to this day the Slovak State has not been explained in an objective manner and that it had certain positive features....

[Kusy] There are no white spots in the history of the Slovak State. There are historians who have already provided an unequivocal analysis of the situation at that time. There is nothing to explain, one can only try to befool the facts. As far as the attitude toward the Jewish question is concerned: The Slovak fascists in their own zeal went even farther than the Hitlerites with their Nuremberg laws. We have documentation showing that the papal nuncio in Bratislava informed the pope on the situation in Slovakia and transmitted the pope's messages to the Slovak leadership. Thus the latter were well aware what they were getting into in solving the Jewish question. To claim that Tiso did not know anything, that he was an innocent president who only permitted the deportation of 60,000 Jews to concentration camps because of his naivete, is laughable.

[REPORTER] Thank you for the interview.

Romany Party To Adopt Rightist Political Platform
LD1007110491 Prague CTK in English 1424 GMT 9 Jul 91

[Text] Prague July 9 (CTK)—The Romany Civic Initiative (ROI), founded in Czechoslovakia in November 1989 as a nonideological party, will shortly adopt a rightist platform, Chairman Emil Scuka told a press conference here today.

The ROI will run in next June's parliamentary elections either independently or in a coalition with another non-leftist party, Scuka said. He explained the ROI's rightist orientation as a reaction to 40 years of "degradation" of the Romanys under communist rule. "Therefore we cannot sympathize with any leftist line."

The ROI, with a membership of over 50,000, is the only Romany movement represented in the federal and republic parliaments. Scuka said its aim is to contribute to a "process of national revival" among the Romanys.

Although in the March 1991 national census only 114,000 people declared Romany nationality, Scuka believes there are in fact about 800,000 Romanys in Czechoslovakia. He said most did not declare Romany nationality because of strong hostility on the part of the general population to Romanys, who are held accountable for the high crime rate. Offences committed by Romanys rose from 8.6 of the overall crime rate in 1986 to 12.8 percent last year.

Scuka said racial prejudice had led to repeated clashes between skinheads and Romanys. Only eight per cent of the Czechoslovak population has positive feelings towards Romanys, Scuka observed.

Conservative Bloc Established in Czech Council
AU1007180291 Prague MLADA FRONTA DNES in Czech 9 Jul 91 p 2

[Report by (iv): "A Conservative Bloc"]

[Text] Prague—The Conservative Bloc was established 14 days ago in the Czech National Council. It involves the Civic Democratic Party, Liberal Democratic Party, Civic Democratic Alliance, and Christian Democratic Union deputies' clubs. As representatives from this grouping stated at yesterday's press briefing, it is envisaged that—after all the application papers have been counted—more than 80 deputies will be affiliated with it. Members of political parties with a more left-wing philosophy may only join the Conservative Bloc on the basis of a recommendation from 10 of the bloc's members. According to Conservative Bloc spokesman Marek Benda, this is not the beginning of a new preelection coalition, but is a working group in which it should be possible to coordinate activity and points of view on the laws under discussion and to determine priority among them.

Army Redeployment To Be Completed on Schedule
LD1007144891 Prague CTK in English 1242 GMT 10 Jul 91

[Text] Prague July 10 (CTK)—Czechoslovak Defense Minister Lubos Dobrovsky said today the redeployment of Czechoslovak Army units to different areas of the country will be completed on schedule, i.e., by the end of 1992.

At a press conference here, Dobrovsky said the timetable for the redeployment will be adhered to despite the extensive renovation required by the housing and storage facilities, left behind by the Soviet Army. Making these facilities usable will entail higher costs than anticipated, he noted.

Dobrovsky added that the Army's budget is insufficient to cover the Army's re-equipment, one of its major tasks at present.

Rivers Polluted After Phenyl Water Leak
LD0907082191 Prague Federal 1 Television Network in Czech 1730 GMT 8 Jul 91

[Summary] A serious breakdown of the phenyl water collection tank No. 12 occurred in the compression gas works at Uzin in Usti nad Labem on Sunday, 7 July. A sudden and intensive leak of phenyl water caused an

overflow of the protective reservoir. Some of the phenyl water leaked into the Podhorsky and Zirnicky streams. The polluted water then flowed into the Bilina and Labe rivers. Cleanup work continues. There are four underwater barrages on these waterways, and the whole area is considerably contaminated with tar. The extent of the ecological damage beyond the state border, where the Labe flows into Germany, is not yet clear. It is being investigated by experts and security officials.

Minister on Czech Health Care System

91CH0659A Prague MLADA FRONTA DNES
(Supplement) in Czech 8 Jun 91 p 3

[Interview with Dr. Martin Bojar, Czech Republic minister of health, by Ondrej Neff and Karel Pacner; place and date not given: "Health Care on the Verge of Collapse? NO!"]

[Text] [MLADA FRONTA DNES] Minister Bojar, it seems that the greatest fear people have is that medical care will no longer be free after the health care system has been reformed.

[Bojar] Was health care truly free? Didn't we pay every day? And some people even paid a little extra.

[MLADA FRONTA DNES] I know it wasn't—and there was also corruption

[Bojar] Was it really corruption? Isn't that statement too sweeping?

[MLADA FRONTA DNES] Well, it was not an official payment for a service

[Bojar] Were services in other areas that avoided taxation always corrupt?

[MLADA FRONTA DNES] But a citizen with aches and pains always received some treatment and, so to speak, did not pay for it. Now people are afraid that this will end. For example, my wife needs an operation, but it has been postponed because of overcrowding. Allegedly people are having all sorts of operations done now, because they are afraid that by next year they will have to pay for them.

[Bojar] That's interesting. On the other hand, we know about innumerable hospitals outside Prague, which are having problems because people do not want to go for operations as they are afraid of losing their jobs. Apparently it all depends on the location. We do not expect that people will have to pay next year yet. Furthermore, we will all be paying insurance, which should cover all routine—I emphasize routine—health care. People will probably have to share in some of the costs. For example, patients usually pay about 75 kronor for a prescription in Sweden, the British pay three pounds, and in France the payments vary. To be sure, this cannot be compared with us, as their salaries are different, but they do pay! We would like to decrease the consumption of medicines by getting patients to treat them like commodities. However, this cannot be done with a symbolic payment of one or even three korunas, which is what we foresee. Moreover, this is not the best solution because there is no differentiation.

[MLADA FRONTA DNES] When will the payment of three korunas start?

[Bojar] In a few weeks or possibly months. We sent the proposal for this increase, which was based on a suggestion by the CNR [Czech National Council], to the Supervisory Board. All these measures must be approved by the Ministry of Labor and Social Affairs, the Council for Social Agreement, and then other agencies and ministries also have to deal with it. At this time, another proposal is making its way through the Supervisory Board—we would like people somehow to share in the costs, for example, of hospital stays. This could also apply to prosthetics, which is usual in the West. Cosmetic surgery should be paid 100 percent. People who misuse ambulances should pay all the costs. Obviously psychotherapy, which may come into fashion here, will be paid privately by the patients. But at this time, we cannot say precisely what will have to be paid, because that is not solely up to us.

[MLADA FRONTA DNES] In other words, you are not drafting the law that will regulate payments for a visit to the doctor or for an operation?

[Bojar] Certainly not. Those should be covered by health insurance. However, I cannot say whether a payment may have to be made for the services of medical specialists—that will depend on how financially secure the insurance company is.

Our aim is not that people should pay more for health care than they used to, but that they should see from their pay slips what portion of the taxes goes for health care. This applies to employees. The state will pay this item for children and pensioners. As far as self-employed people are concerned, it will depend on the agreement between the Ministry of Labor and Social Affairs and the Union of Entrepreneurs.

[MLADA FRONTA DNES] Last year, Minister Bojar, you told us that you would propose that people should not have to go to the doctor at the first sign of a cold or 'flu, that they should simply notify their employer that they are sick.

[Bojar] Unfortunately that proposal ended up in the inter-departmental Supervisory Board. The Ministry of Labor and Social Affairs and a couple of other ministries rejected it for fear of people's dishonesty. The proposal also included a bonus for people who did not use up the five to ten days' sick leave they get each year. In the future, the insurance company will make all the decisions on potential bonuses for healthy people—a person who does not use money from the insurance may receive some benefits in the form of a lower insurance rate, or something else. Rather like car insurance.

[MLADA FRONTA DNES] Occasionally it is said that our health care system is about to collapse because it only has enough money, at most, to the end of May.

[Bojar] I assure you that the health care system will not collapse. But this year's budget was prepared last summer, at a time when many things were still unclear. Therefore some branches expected larger cuts and others smaller ones. Nevertheless, at that time we already pointed out that the health care system—even if it does its utmost to

improve its efficiency—will not be able to balance out the increases that will occur partly due to the rise in prices because of the economic reforms, and partly due to the loss of markets to which we exported our products in exchange for items we need. Our economists requested 10-12 billion korunas from the Czech Ministry of Finance to counter-balance devaluation and economic difficulties. The Ministry considered this amount to be too high and ultimately allocated less than 2 billion to us.

Now the computers are showing that there was a 130 to 150-percent increase in costs. According to the index, which also applies to other sectors, the financiers will allocate an additional sum—the preliminary amount is 2-3 billion korunas—for the first two quarters of the year. The same will happen for the other quarters.

[MLADA FRONTA DNES] However, some doctors' offices and hospitals feel that they have fewer patients than before. Can you see signs of this anywhere, for example in the amount of medicines, or the need for various functions?

[Bojar] We have received such reports. There is no doubt that some of the health care facilities will have to limit their operations, and maybe some hospital departments will be closed. It is not yet clear how much this would save. Furthermore, don't forget that there is still pressure from patients with long-term illnesses, where the hospital supplements the medical institutions, and sometimes social care, for these people.

[MLADA FRONTA DNES] Does this mean that some health care workers will have to change their jobs, or their specializations?

[Bojar] I do not think that this problem will arise this year. This year we will have to resolve the problem of the budget in such a way that the health care facilities will be able to make it into next year, when the insurance is meant to come into operation.

[MLADA FRONTA DNES] Will this result in an excess of health care personnel in future years?

[Bojar] This year the problem of placing graduates from medical faculties is beginning to surface. I discussed this with the Minister of Defense. We agreed that the Ministry of Defense would offer contracts for the job of army doctor for two to three years, or in some cases for permanent employment to some of the doctors.

After all, in the West, some doctors enter the army after graduation because it offers them security and a better start for their future. There is also a desperate need for doctors in spheres that fall under the Ministry of the Interior, and in prisons, which fall under the jurisdiction of the Ministry of Justice. Last week I received a letter from a group of colleagues who suggested that the hospitals should do the same as is customary in the West—relocation. This means that qualified doctors could or should go wherever their qualifications are most needed.

Recently we made an agreement with Germany that graduates from medical faculties who speak German will be allowed to work as volunteers in hospitals over there. This

means that they will work for very low pay, but they will perfect their German and get a solid practical base, which will make it easier for them to get a better job at home.

Naturally, graduates who want to stay in Prague or other large cities will be faced with unemployment. However, over 800 jobs are vacant, although we are aware that many of them cannot be filled by young doctors without experience.

We believe it to be our duty to draw up lists of vacant jobs in medicine. It is then up to the graduates from the faculties as to what they choose. But I think that the same will happen as last year, when we were warned that there would be an excess of nurses, and then the opposite turned out to be true.

[MLADA FRONTA DNES] We've now arrived at the problem of nurses.

[Bojar] Last year we were criticized for not doing anything to stop them going abroad. We kept answering that we believed there would be too many.

As to the future, we hope that once laws are passed that permit nurses to obtain licenses and work privately as nurses or health care workers, many of them can transfer to this sector. Citizens, insurance companies, and the communities can partly contribute to their services. For example, it would be advantageous if older people could stay at home, but still receive some care. It would be much cheaper than staying in an old-age home, etc. This system exists all over the world, so why should it not work here?

[MLADA FRONTA DNES] What about young girls who are finishing their training in medical schools this year—will they find jobs?

[Bojar] It is difficult to give a definite answer. Some agricultural regions and some hospitals in large cities constantly have a shortage of nurses. However, I must admit that this year nurses will find it more difficult to find jobs than in the past. But we do not expect high unemployment among nurses this year.

[MLADA FRONTA DNES] What needs to be done this year to ensure that the new health care system will be able to start operating successfully next year?

[Bojar] A large number of drafts of laws concerning health care facilities and various kinds of care needs to be prepared, and a fundamental amendment is being drafted for the 1966 Citizens' Health Law. This should define the area for the creation of nonstate, public, mixed health care—community, municipal, state, private, and charity care.

[MLADA FRONTA DNES] What will the situation be like at the beginning of next year? If the insurance will be functioning, we will find the majority of doctors in private practices?

[Bojar] It is difficult to say how many doctors will go into private practice. Primarily they will be dentists, and also doctors who can afford to do so with the help of foreign capital. Apparently some of the polyclinics will also be leased out to doctors. According to a law passed recently,

the vast majority of communities will place the health care facilities under their administration. It will then be up to them to decide how to use them. We know that in the former GDR young doctors are trying to open private practices, but the middle-aged and older doctors are not interested in doing so, they are afraid of the risk and thus prefer to work for a salary. The latter is paid either by hospitals on the basis of a contract with an insurance company, the community, or provincial or other government, or by a church or charity organization.

[MLADA FRONTA DNES] Are you expecting to lease the polyclinics for profit?

[Bojar] We would like to be able to use the voucher method of privatization in the health care service. Some of the polyclinics and OUNZ's [District Public Health Institutes] intend to use this procedure. But it is possible that some communities will not want to get rid of them that way. Some colleagues are preparing to set up practices in private houses, some in nonresidential areas, and others in polyclinics or in the public health care network; or several doctors may join together—possibly into a kind of cooperative—and build a center with several practices.

[MLADA FRONTA DNES] Will doctors be able to rent an office or laboratory for several hours a week in a polyclinic or in a hospital?

[Bojar] We believe that this option will also exist, but it will depend on the agreement with the insurance company, the community, the Medical Association, and the state health care administration, represented by the ministry. Apart from that, patients themselves may play a role; in some countries they have a very strong voice in administrative regional councils, and make sure that the taxes don't get too high.

Experiences from east Germany have shown us that we must not be too categorical. Nothing must be done through decrees. We must have several forms. The system we are proposing is based on the experiences of several European countries and Canada.

[MLADA FRONTA DNES] We have forgotten to mention doctors who work for industrial enterprises. Will they stay?

[Bojar] Yes, they should continue to be employed in larger enterprises. The changes will obviously affect those who work for several widely dispersed industrial enterprises.

[MLADA FRONTA DNES] The okres and obvod national health institutions are going to be discontinued. What is going to happen there.

[Bojar] On the first of July we will gradually start to decentralize them. It should be a smooth process, which will only take place if it is beneficial for the region, a process that will make health care more efficient—that means that it must be preceded by an economic analysis.

Most OUNZ's have about 100 clerks, maintenance personnel, and drivers. In the second half of the year, the management should gradually be removed, and hospitals and polyclinics will become equal legal entities. They may retain those areas—for instance the accounting department or transportation—that functioned well in the OUNZ's. They will gradually get rid of those areas that did not function well or were too expensive. Under no circumstances do we want to permit the specter of disintegration; the aim is for the individual workplaces to attain the right to make decisions and to operate, and also to join together, even extending beyond the borders of the okres.

[MLADA FRONTA DNES] Does another plan for the health care exist? A plan that a leftist or rightist government could install after the elections next year?

[Bojar] The plan that we advocate is neither leftist nor rightist—it is a plan that is based on European tradition and also recognizes the development overseas. What we are talking about here cannot be implemented suddenly within one year; it has to develop. It is a plan that we know works well in a number of European countries. It depends on the degree of internal and external democracy. Naturally we could follow a different path—a path of directive management of the health care system by the ministry, as in Great Britain or in Sweden; but those countries are now discovering that it was a path to hell. The British who, in contrast to us, never had to deal with socialism, now want to privatize the public health service, slowly, step by step. Yet we—in a country that was very centralist for the last 40 years—would like to do it very quickly. That is why I do not believe that it can be done in one go or through directives. We must create the conditions for this development. What we are talking about is the goal we wish to attain.

We do not wish to pretend to be enlightened reallocators of money. We are trying to make sure that health care workers learn to make use of all the resources themselves, not through central decisions, which always function anachronistically and dysfunctionally, but by providing more responsibility, rights and information to the peripheral areas. An organism that centralizes its functions is doomed to extinction. Naturally, after the elections, various socializing trends may appear, but what we want is for at least some of the structures to be oriented in the same direction as the European health care systems.

(Martin Bojar, MD, 1947, was employed in the psychiatric medical facility in Kosmonosich after graduating from the medical faculty at Charles University in 1972. Two years later he was given a permanent position at the neurological clinic in Prague-Motol, where he became head physician in 1983. He was one of the first health care workers who, on his own initiative, started to examine young people beaten up by the VB [Public Security Police] on 17 November 1989 in the Narodni Trida. He was one of the founding members of the Civic Forum of Health Care Workers. Since last year he has been the Czech Republic minister of health.)

Views of Rival Trade Union Organizations

MSZOSZ Leader Interviewed

91CH0670A Budapest BESZELO in Hungarian
15 Jun 91 pp 8-9

[Interview with Sandor Nagy, chairman of the National Federation of Hungarian Trade Unions, by -eo-; place and date not given: "Strike Is Our Ultimate Weapon"—first paragraph is BESZELO introduction]

[Text] The MSZOSZ [National Federation of Hungarian Trade Unions] called a nationwide token strike for Thursday morning, the 13th [of June]. In a nutshell, its demands are as follows: 1) A say in privatization for employees; 2) The Treasury must use a proportion of its proceeds from privatization to create jobs; 3) Suspension of the higher energy prices as of 1 June, until an agreement has been reached on compensatory measures; 4) A statute must make severance pay for laid-off workers mandatory; 5) Relaxation, by 3 to 5 percentage points, of the wage-regulation restrictions on enterprises; and 6) Restoration of discount fares before the commencement of the vacation season. A similar job action on 5 October of last year was organized by the Federation of Mine Workers Unions, which is affiliated with the MSZOSZ. The Democratic League of Independent Trade Unions and the National Association of Workers Councils oppose the token strike.

[-eo-] Talks are being held in the ET [Council for the Reconciliation of Interests] on the question of energy prices, among other things. The government requested a two-week suspension to study the trade unions' demands. Why has a strike been called before the two weeks has expired?

[Nagy] We have to go back a bit farther in time, because otherwise the strike call on its own would truly look strange. Acting in unison, the employers and the trade unions had made it clear already last September that they wanted to see the basic principles of the government's privatization policy as soon as possible. On 2 May we sent Prime Minister Antall a letter containing nine points. The most important points concerned privatization, job creation from the proceeds, and the institution of severance pay; the advisability of discussing the matter of higher energy prices ranked about fifth. We received a prompt answer. But three weeks later we had to write a second letter, because the effective date of the higher energy prices was fast approaching. In the meantime the government brought to the ET its ideas regarding compensatory measures, with which none of the unions was in agreement. We formed an ad hoc committee on energy prices (on the proposal of the MSZOSZ), and the employers and the trade unions jointly requested the government to suspend the price increases until an agreement had been reached. Our request, however, was in vain.

But I wish to emphasize that energy prices were not the only issue. The government agreed in principle that severance pay was necessary. But it can envisage the regulation of severance pay only within the framework of amending the Labor Code, sometime this autumn or next spring, by

when we will have to reckon with 300,000 unemployed workers. Am I to explain to the workers concerned that they should wait patiently six or nine months? And there is almost no word for the fact that State Secretary Gyorgy Schamschula has interpreted the matter of discount fares as if we wanted them restored for the benefit of MSZOSZ members. That is not true. In sum, nothing has happened since September or even in the more immediate period of the past 30 days. This led to the situation where the MSZOSZ said that it could not explain to its members why it was constantly showing self-restraint and dissuading people from taking any action whatsoever, while it was unable to show any tangible results at the ET talks.

[-eo-] Whom did you have to dissuade and why?

[Nagy] If a person takes the trouble to go and talk to the workers at any production plant, he will see after two minutes what the workers' mood is.

[-eo-] In other words, you were forced to resort to a strike as your ultimate weapon?

[Nagy] Well, here we come to a fine distinction that is by no means insignificant. During talks and mediation, the Strike Law permits a single token strike of not more than two hours' duration. It is intended to lend emphasis to the talks and has traditionally evolved for that purpose. What we called was not a general strike. Instead of wanting to leave the bargaining table, the point was to lend emphasis—or more accurately, to let the emphasis show—so nobody could claim that the situation was not so bad after all, that merely a few trade-union officials and their staff were making an issue out of it. That opinion has indeed emerged in the political campaign of recent days, which practically forces the trade union to tell its people: Show them whether this issue has been raised merely by a few officials or concerns the masses.

[-eo-] Nevertheless, by definition, a token strike implies a warning that there will be a general strike if the conditions are not met.

[Nagy] A warning is one thing, and what actually happens is another thing. We want to negotiate and are convinced that our demands are reasonable and will not disrupt the country's economy. And if there is willingness in the other side to compromise, it is able to express that willingness quickly and in short order, in which case that would be the end of the matter.

[-eo-] Last fall the Mine Workers Trade Union (BDSZ) held a token strike because it wanted, among other things, the producer price of coal raised (or more accurately, it wanted a larger price increase than what the government had in mind). Admittedly, not the consumer price was the issue at that time. But is there not a contradiction here after all?

[Nagy] That is a simplification. The way I see it, the miners did not approach the issue simply from the viewpoint of prices. Their approach was that if domestic coal and imported sources of energy were both needed, then the only fair way of judging the economic efficiency of domestic production was to keep the feasible domestic price in line with the import prices.

[-eo-] Do you not find that privatization is a more complicated and flexible matter than to permit remedying the undeniably unsolved problems by means of a single strike?

[Nagy] It is complicated especially when the persons concerned see to it that privatization is made to appear as something mystical and vague. The other half of this idea states that it is beyond the average simple blue-collar worker to comprehend what privatization is all about. Yet every complicated problem has simple basic principles, and it is the duty of those who represent organizations to clearly formulate the basic principles.

[-eo-] What are these basic principles?

[Nagy] In the case of privatization they are as follows: First, the employees must be kept informed. Second, their views must be taken into consideration. Third, the employees must be given stakes. Fourth, jobs must be created from the proceeds of privatization. The Compensation Law raised economic and legal problems far more complicated than these, yet the government somehow found the time to deal with them.

[-eo-] Your demands are identical with those of the League. Would it not have been better to check with them before deciding to resort to your ultimate weapon?

[Nagy] It certainly would have created a much better situation had all the trade unions cooperated and acted jointly. But our experience in this respect is very unfavorable. While we are being accused of pursuing objectives that would enhance our organization's prestige, we are perceiving the exact opposite. The reason why no joint actions are being taken is one trade union's desire to avoid even the slightest suspicion of allegedly agreeing with another trade union, one that the first trade union is attacking for other reasons on other issues. Proceeding along a certain line of reasoning, some organizations come to the conclusion that it would not be expedient to align themselves with the MSZOSZ. That is why we thought it would be best to find out for ourselves what the people are thinking and how close they are to the limit of their tolerance. Instead of waiting with arms folded until the autumn, when a spontaneous and unmanageable wave of anger might sweep through Hungary and lead to complete chaos. This is what I regard as the responsibility side of this issue.

Independent League's Stance

91CH0670B Budapest BESZELO in Hungarian
15 Jun 91 pp 8-9

[Interview with Csaba Ory, executive deputy chairman of the Democratic League of Independent Trade Unions, by -rsi; place and date not given: "Attempting to Bestride Two Horses at the Same Time? The League's Viewpoint"]

[Text] [-rsi] What is your opinion of the MSZOSZ's [National Federation of Hungarian Trade Unions] strike call?

[Ory] I think it is rash, premature, and also dangerous because it discredits strike as a weapon for which there could easily be a need in the future.

[-rsi] At the ongoing talks in the ET [Council for the Reconciliation of Interests], of course, the League and the MSZOSZ are sitting on the same side of the table. Readers could learn from their newspapers that it has not been possible to agree on anything with the government.

[Ory] Yes, the talks are in progress, but in the meantime the MSZOSZ is calling a strike. That is something that just is not done. Either a person leaves the table and calls a strike, or he continues to negotiate. It is not possible to bestride two horses at the same time. Just as it is not possible to protest one day that the government must not make any decision without the ET, and then to hold separate talks with the government's representatives the next day, turning one's back on the other trade unions. But that is what the MSZOSZ has done.

But let us go through the list of demands. Albeit hesitantly, the enactment of statutory regulations on privatization is proceeding nevertheless. Although it is true that the government must accept serious blame for its procrastination, the trade unions and the employer have not been able to agree with each other, either. Naturally, let the employees have a say during privatization, and let a proportion of the proceeds be used to create jobs! Those are things the League has been demanding for the past 18 months. We have forced the government to participate in a special committee of the ET on privatization, and the MSZOSZ too has a seat on that committee. There is another committee working on the schedule for complete wage liberalization, for lifting the restrictions imposed by wage regulation.

The same can be said of higher energy prices. In the ad hoc committee set up on this issue, the government asked for two weeks before putting the question of compensatory measures on the agenda once again. The clock is now ticking away. The two weeks will run out on Friday, the day after the one for which the MSZOSZ has called its token strike. True, the efforts to persuade the government to suspend the energy price increases have failed, but suspension would have been merely a symbolic gesture on the part of the government; the impact of the price increases will appear only two months from now on the bills that individuals receive, and until then there is time to discuss compensatory measures. But the government has made another symbolic gesture: Finance Minister Mihaly Kupa has announced his willingness to discuss the extent of offsetting the price increases, and not just the distribution of the appropriation for that purpose.

[-rsi] We are still at a total of two billion forints.

[Ory] Yes, but now there is a possibility that it might be increased.

[-rsi] By how much would the allocation have to be increased, in the League's opinion?

[Ory] We are now working on our figures. The appropriation would probably have to be increased at least two or threefold.

[-rsi] A law guaranteeing severance pay. Isn't that MSZOSZ demand a legitimate one?

[Ory] If the trade union is strong, what you need to get severance pay is first of all a good collective contract, rather than a law. It helps if the minimum amount of severance pay is regulated. Regarding the questions in conjunction with lay-offs, however, we feel that a wide range of rules and instruments is needed to protect employees and to enable them to survive (retraining, negotiation procedures, rules to safeguard workers during lay-offs, etc.). Severance pay is merely one element in all this. Therefore, we believe, it is frivolous to declare during a single negotiation session that severance pay must be mandatory, and that there will be a strike if the government does not agree.

[rsi] What are the employers saying to all this?

[Ory] That exactly is the point. Bickering between the trade unions and the government is a godsend for the employers. The trade unions would do much better to focus their attention on the employers—the Chamber, the VOSZ [National Federation of Entrepreneurs] and individual employers—and specific demands. We are fighting a government that does not have much influence over employers. That is the fundamental difference of judgment between ourselves and the MSZOSZ! The MSZOSZ wants to extract from the government an agreement that the latter is incapable of concluding. Long gone is the party-state system, under which the SZOT [National Council of Trade Unions] was able to lobby the government to be generous toward society.

[rsi] Aside from the present agenda of the talks, the MSZOSZ is accusing the government also in general of taking neither the ET nor the announced market economy seriously.

[Ory] In that you are right. The government does not deserve to be defended, and I have no intention of doing so. The government is pursuing an economic policy that is truly ill-considered and lacking of vision, thereby furnishing evidence of its social insensitivity. Or at least the government is not attaching to social issues the importance they deserve. The public's dissatisfaction is entirely understandable. But I think that one must not exploit this dissatisfaction and announce a nationwide action that foreseeably will fail to achieve its objective.

[rsi] What do you expect? Will this action be successful?

[Ory] In terms of the number of participants, it will undoubtedly be successful. But if we consider the number of persons who will have stayed away, then success will be a matter of judgment.

[rsi] What will the League do if the talks on measures to compensate for the higher energy prices come to nothing?

[Ory] An entirely different situation will arise if it can be proven or becomes clear that the government is merely attempting to gain time. In that case we would have to rethink what has to be done, and it is possible that we might decide to call a strike. Another thing, something is missing from the list of MSZOSZ demands after all, and that is no accident. The reconciliation of interests is effective only if the trade union is strong. And that requires the union to be strong at every workplace. Therefore, it is

essential that the union be able to organize freely and without fear. The League's number one demand would certainly be freedom to organize!

Local Governments Denied Budgetary Aid

*91CH0669B Budapest BESZELO in Hungarian
15 Jun 91 p 16*

[Article by Gyula Gaal: "Local-Government Raffle"]

[Text] This year's State Budget set aside for local governments two separate funds whose distribution was to be determined by separate laws. During the past two weeks the National Assembly has decided the fate of these funds.

The first fund serves to ensure the ability to function of local governments that are in adverse financial conditions through no fault of their own. It is intended to enable the operation of existing institutions also by those local governments that are experiencing a paucity of resources primarily as a result of changes in the system of [income] distribution; for instance, in the rules governing the sharing of revenue from individual income tax. (Let us not confuse this type of "adverse conditions" with "disadvantaged" local governments in the ordinary sense of the word—i.e., with the bleak picture of a region consisting of small villages that lie far from major highways and railroad lines, have aging populations and lack even minimal community infrastructures. They are without water supply, sewers, telephones and job opportunities, and are burdened with a multitude of accumulating social problems. The situation of such villages cannot be solved with the money set aside in this fund.)

Applications for grants from the other fund may be submitted by those local governments that only now are attempting to provide some of the especially important services among their mandatory functions: primary education, supply of drinking water, or garbage disposal. Obviously, these local governments are the disadvantaged ones in the ordinary sense of the word.

Sad Reality, SZDSZ [Association of Free Democrats] Proposal

For this very reason it is especially disturbing that the applications for grants from this [second] fund include applications totaling 2.3 billion forints that meet all the criteria for eligibility specified in the Law on the [1991] Budget (and even the stricter criteria of the subsequent government announcement)—which means that these applicants ought to be able to claim their grants as "entitlements" in the sense of the Law on Local Governments—yet the applicants will not be getting their grants because not enough money has been appropriated for the fund. As a balm instead of the qualifying local governments have been promised that the government would meet its obligations at a later date, either from resources that would become available in the course of the annual budget's review during the second half of the year or at the expense of next year's budget. The government's proposal listed 565 local governments qualifying for grants that have not been disbursed. The amendments introduced by deputies noted the arisen shortage but offered no solution; each

amendment merely added more claims that would have to be met. If we look back on the first four months of the budgeting process, only the SZDSZ has introduced a proposal for a supplementary appropriation to satisfy the claims of local governments. The supplementary appropriation comprises three items:

Half of the total would come from the apparent substantial savings in comparison with the budgeted interest costs.

The larger part of the other half would come from a redistribution of resources between the two funds for local governments. In addition to the 1,250 million forints set aside as a reserve for subsequent hardships, there remains in the fund for local governments in adverse financial conditions the 855 million forints that the government has not wanted to disburse for the time being. This 855 million forints could be used to provide special-purpose grants-in-aid for the truly disadvantaged local governments.

The balance of 250 million forints, the smallest item, we propose to provide from the State Budget's general reserve.

Deciding Under Pressure, Forced Compromise

It is obvious that in itself this proposal is already a compromise. Namely, in the interest of a quick decision, we had agreed that on this occasion only the local governments that indisputably met the selection criteria would receive grants from the money becoming available from the redistribution of resources between the two funds. This was a major concession because, as it turned out, there are significant differences of opinion between the government and ourselves regarding the interpretation of the criteria. In our judgment, the Interior Ministry that prepared the government's proposal employed rational, albeit inequitable and unlawful, selection criteria, because it had been hard pressed for time and overwhelmed by applications for grants whose total exceeded by a factor of 2.5 the original appropriation.

It is inequitable and unlawful to regard the absence of various official permits and statements as disqualifications. Since the law that sets the conditions for obtaining grants does not require the existence of such permits and statements, merely on the basis of a government announcement setting the rules of the mechanism for claiming grants it should not be possible to rule out a single application without first notifying the applicant to submit the missing documents within a specified time limit. But that did not happen in a single instance. Although the jury reviewing the applications was aware that it was dealing with inexperienced local government officials, its objective appears to have been to eliminate on the basis of seemingly objective criteria as many applicants and as quickly as possible, instead of making circumspect decision after a thorough examination of each case on its own merits.

It was inequitable and unlawful for the jury to undertake an examination of each applicant's resources, because at the time when they filed their applications the local governments were not yet in a position to credibly document what other resources they would have. Not in the least because the obtaining of a grant from the central government might be a condition for obtaining other

resources (from the county, the bank or local residents). For that very reason the law had not authorized the jury to undertake such examinations.

In this situation, we accepted that the the Office of the Auditor General would review before the end of summer the applications that have been rejected now, and would then present a new proposal regarding the grants. At the same time it is obvious that the only correct course of action would be for the parliament to supplement the original appropriation for special-purpose grants-in-aid to local governments, and to disburse the grants to the 565 local governments that indisputably are entitled to them already now; instead of attempting to support an unlawful decision through subsequent rationalization. To this end we drafted our proposal to amend the Law on the [1991] Budget.

Epilogue

Rollcall vote on the motion to place on the calendar a proposal to amend the Budget Law (in other words, merely on the question whether the proposal can be considered at all) at 15:47 on 3 June 1991. Yeas—117 (all deputies of the opposition parties present, without exception; the independent deputies, with one exception; as well as four MDF and three Smallholder deputies); Nays—131.

Abstentions—31 (the deputies of the three ruling parties, with the few exceptions mentioned above).

So the motion was rejected and the proposal could not be placed on the National Assembly's calendar. Thus, the 565 local government can no longer expect to get their grants this year.

Church-State Separation Seen Endangered

91CH0669A Budapest BESZELO in Hungarian
1 Jun 91 pp 4-5

[Article by Tamas Bauer: "Only to the Extent Necessary"—first paragraph is BESZELO introduction]

[Text] The parliament is continuing also this week its debate on returning to the churches their former real estate properties. The coalition parties and the government are claiming that the bill before the National Assembly adheres to the principle of functionality (of restoring the churches' ability to function). But is not the functioning being restored of the established national church that was dominant ideologically between the two world wars? If that happens, freedom of conscience will exist in Hungary only on paper.

At one point two years ago, in the summer of 1989, the trilateral talks bogged down over the MSZMP's [Hungarian Socialist Workers' Party] insistence that it alone would decide which of its assets to retain, and which ones it would be willing to relinquish. The state party argued that actually it wanted to retain only what it would be needing for the party's normal functioning. The opposition countered that nowhere in Hungary's education, health-care, science, or culture was the availability of buildings and equipment sufficient to ensure proper functioning of the respective spheres. Then why should the MSZMP be

given priority over them; why should specifically it be provided assets "to the extent necessary" from the public purse?

That comes to mind now when restoring to the churches their real estate properties is being considered, and the ruling parties, too, are arguing that they would be returning only what was necessary for the churches' functioning. That includes the University Theater, the building of the Istvan Bibó Special College, and so on. The only hitch is that the present occupants of the churches' one-time real estate properties are not the former regime's now redundant institutions. In recent decades, the state spent relatively little on the construction of buildings to house its educational, cultural, and welfare institutions; very often such institutions were assigned buildings that previously had belonged to the churches. And if now the buildings are to be restored to the churches, then the schools, colleges, museums, libraries, hospitals, and homes for the aged or destitute will be forced to move out. The churches will regain their one-time real estate properties "to the extent necessary" for their activities, but provisions "to the extent necessary" will be lacking for other activities that serve the public interest. It is to be feared that in many places this will turn local public opinion against the churches' representatives.

Principle of Function's Conservation

The MSZMP delegation at the talks had also another argument at the time. When the opposition's delegates began to dwell on the fact that the party's assets stemmed to a large extent from budgetary grants, and that the State Budget was contributing also to the current expenses of the party and other state party organizations, the MSZMP (and even more so the KISZ [Hungarian Communist Youth League] or the National Council of Trade Unions) argued that the budgetary grants had made education, scientific research and recreation possible, from which entire society benefited in the final outcome. The opposition rejected this argument by pointing out that nothing justified covering from public funds the costs of education that was tailored to the particular ideology of the party or the KISZ and was controlled by them; or the costs of recreation that the party organized, while also choosing the programs' beneficiaries.

That, too, now comes to mind as the ruling parties' speakers attempt to dispel misgivings by arguing that no public service will remain unsupplied when a church takes over real estate property from a local government, because the church will also be assuming the function for which the property is now being used. (The church would necessarily have to assume that function because the local government would be required to return the property free of charge and thus would be unable to afford acquiring other property on which the given function might have been continued.) For providing the given function, moreover, the churches also expect to obtain from the State Budget the same per capita grants that the institutions under the local governments' supervision are now receiving. (From the exposition on the bill's legislative intent it is evident that the government does not expect the churches to quickly become financially

independent and plans to continue also the grants for the churches' religious activities. Statements by various churchmen bear this out; they do not regard the time as ripe just yet for phasing out the state grants.) But from this it follows that a significant proportion of public education—including the only elementary school in many a small village, and the only secondary school in many a small town—would come under church control, and so would a large part of intellectual life or of welfare care. From the taxes paid by believers and nonbelievers alike, the State Budget would be financing educational, health-care, and social services controlled by the churches. Domination by one ideology would be replaced by the dominance of another ideology.

The bill's preamble reveals the government's concept: to restore within Hungarian society the churches' role far beyond religion. While paying lip service to the separation of church and state, this concept wants to restore the churches' eminent role in Hungarian intellectual life, as well as in providing healthcare and social services. This is in accord with the tendency that articulates time and again the symbolic close link between church and state when church dignitaries are invited to civic ceremonies and government leaders attend church ceremonies, when regimental flags are blessed, etc. It is obvious that although the separation of church and state is recognized in principle, the churches are being regarded as national institutions with missions not only for believers, but for the entire nation as well.

That is an anachronistic aspiration. Several centuries ago the church was a national institution throughout Europe, performing functions for entire society. Priests and monks served in intellectual occupations; education, culture, the registration of births, marriages and deaths, etc. were church functions. Thereby the churches made great contributions to society's development. Beginning with the Reformation, however, that situation changed gradually. The ideas evolved of freedom of conscience, civil marriages, state registers, and state schools independent of the churches. Hungary, under the dual monarchy, more or less met the European level in this respect. Meanwhile the separation of church and state became the general rule in the countries of Europe. But under the Horthy regime, when the Catholic Church functioned as the established church, Hungary already deviated from the continental, West European trend.

Ideological Superiors

The separation of church and state was promised after World War II, but instead there followed the subordination of the churches to the state. The dominance of Marxist ideology replaced the churches' earlier domination of intellectual life, and the churches were under the state's direct supervision. As Arpad Farsang, Jr., pointed out in the MDF- [Hungarian Democratic Forum-] sponsored debate on the question of the parliament, held in the Jurta Theater (in March 1988), the absence of the separation of church and state manifested itself in that the churches were given places on the national list. (Just like they had been given seats in the old Upper House.)

What should the democratic Hungarian state do in this situation? It should achieve consistent separation of church and state. It should also put in place the underpinnings for the churches' financial independence of the state. (Both FIDESZ [Association of Democratic Youth] and the SZDSZ [Association of Free Democrats] have introduced very similar proposals to that end. The churches would receive one-time grants of initial capital, the income from which would finance their current expenses; and they would be entitled to revenue from parish taxes; but budgetary grants for the churches would cease.) Let the state not interfere in the churches' life, and let the churches not interfere in state affairs.

But separation cannot be confined to just the state. Freedom of conscience also requires that the various spheres of society's life not be controlled by any ideology-oriented monopoly organization. Neither the left-oriented Pioneer Movement nor the church-oriented Boy Scouts should infiltrate the schools the way the Pioneers have infiltrated them up to now. In the barracks there should be neither political officer nor army chaplain who would be the soldiers' superior by virtue of his rank. Let the state be secular, supported by the nation or by the local communities. And let the public services and social institutions serving the entire community be ideologically neutral.

That is what would suit Hungarian society's present state. For Hungarian society has become secularized to a large extent during the past 40 years, and regular churchgoers constitute merely an insignificant minority of the population. (A noteworthy indication of this secularization are the results of an opinion poll conducted within the Army. Only 9 percent of the soldiers favored the presence of army chaplains, whereas 17 percent opposed it. It developed that only 9 percent of the conscripts would turn to the army chaplain with their spiritual problems, but 53 percent would never consult him. Public opinion surveys on religion, conducted in the 1980's, produced similar results.) It cannot be said that this secularization has occurred one-sidedly as a result of pressure exerted by the communist party state, because similar—albeit slower—trends can be observed in many countries of West Europe, while one finds nothing at all of this sort in Poland.

'Public Purpose' Functions of 50 Years Ago

As opposed to this, what does the bill before the parliament want to accomplish? It wants to compel the state, specifically the local governments, to return to the churches and religious organizations all the real estate properties that served until 1948 the churches' religious or other social activities, and which the churches intend to use for the same purpose also in the future. The only assets that would not have to be returned according to the bill are the properties whose sole purpose had been to generate income (the large estates of the churches, for instance) and the properties the churches did not wish to reclaim. Thus, the endeavor is obvious to restore the churches' earlier role in many spheres of society's life, including public education among others.

Consequently, the debate is not merely on whether the principle of restitution or of proportionality should apply

to the question of church assets. The ruling parties' rejection of the opposition's objections is not devoid of all foundation when they point out that their guiding principle is functionality, even though most of the real estate properties in question are the same ones that used to belong to the churches at one time. However, the ruling parties are tailoring the provision of real estate properties for the churches to the "public purpose" functions the churches had been performing 50 years ago. This would mean reversing the long-term trend of secularization with state help, through pressure exerted by state power. And that would be realistic only if the ruling parties were ready to violate the constitutional principle of freedom of conscience. Because realization of the government's legislative intent contained in the bill would jeopardize having ideologically neutral institutions perform public tasks.

In a society characterized by ideological pluralism, the restoration in society's life of the churches' role extending beyond religion would mean de facto abridgement of the recently won intellectual freedom and freedom of conscience. If this ambition were achieved, the separation of church and state would remain a legal fiction at best, and conditions long surpassed by Europe, the alleged model, would be restored in Hungary. That trend would not be favorable for the churches, either. The very same aspirations after intellectual freedom that questioned Marxism-Leninism's intellectual monopoly in recent decades would soon turn against the resurrected dominant—not mandatory—yet advisable ideology of 50 years ago.

(Editor's note: On this same topic, we wish to call our readers' attention also to Miklos Szabo's essay "The Struggle Between Church and State in Germany," on page 16 of this issue.)

Army Seeks To Curb 'Deteriorating Discipline'

*AU1107142891 Budapest MAGYAR HIRLAP
in Hungarian 10 Jul 91 pp 1, 5*

[Article by Peter Forro: "Crime Does Not Stop at the Gates of the Army Barracks—Military Discipline on the Agenda"]

[Text] In recent months, the Hungarian media have been reporting almost weekly about crimes committed by young people serving in the Army. We asked the Hungarian Army officials about the reason for this, and what they intend to do in order to improve discipline in the barracks and other military service areas.

The fact that a ministerial collegium meeting on 22 May discussed the need for a plan of complex measures to improve the discipline in the Hungarian Army clearly shows that the highest leadership of the Hungarian Army also thinks that something has to be done here. Colonel Erno Hauber is head of the Hungarian Army's Disciplinary Information Department, a department equipped with computers, and he has up-to-date information on disciplinary cases. According to Erno Hauber, it is not the number of crimes, but their severity that has increased in the Army, including an increase in the number of participants in these severe crimes. The fact that the public is so much interested in these cases is due to the openness and

the reform of information policy that has been going on in the Army for 18 months. The basic principle of this new information policy is that such cases that take place in the Army should not be the internal affairs of the Hungarian Army although, not so long ago, military crimes were treated with utmost secrecy. At least, this subject was taboo for our domestic mass media because, for example, the Italian military attache (as a representative of a NATO country) could receive information about the number of cases of death in the People's Army and their causes even five years ago.

According to Erno Hauber, the reason for the deteriorating discipline is that the social changes, social difficulties, the liberties of everyday life, the decrease in respect for the law, and the general increase in crime also affect the Army. It is true that it has always been difficult to switch from civilian life to army life, and resistance to restrictions also occurred in the past, but these forms of deviant behavior have now increased considerably. The fact that common crimes committed by soldiers have been transferred to civil courts has also weakened discipline in the Army. General experience shows that sentences passed by civil courts do not have a deterrent force, because six months suspended sentence or fines of a few thousand forints for burglary or refusal to serve in the Army is a considerably milder punishment than that imposed by a military court.

In addition, the civil courts are overburdened and, therefore, sentences are passed mostly after a soldier has concluded his military service.

The composition of our staff of officers also affects the discipline situation. Because of a generation turnover—almost 6,000 officers and noncommissioned officers have left the Army for various reasons in the past two years. There are now quite a few units where the officers' average age is between 24 and 26. Because the training time for officers was reduced recently, they have had fewer hours of education and psychology and, therefore, they find it more difficult to tolerate the occasional deviant behavior of new recruits.

The staffing levels have also had a decisive effect on discipline. It has become known that in almost all cases one could clearly see that the soldiers were overburdened as a result of a reduced staff. However, this is only one side of the coin. The other is that the possibility of selection during recruitment has dropped. The situation today is that out of 100 young people 40 cannot be recruited into the Army for health reasons, because criminal procedures are underway, social situation, or studies. Although the number of almost illiterate soldiers who have completed only four years of elementary schooling has decreased lately with the elimination of construction units, this has not led to a solution either. However, it is a fact that there are one or two indicators that show improvement. For example, the number of deserters has decreased considerably, compared to last year. There is an annual increase of 60 percent in crimes committed by civilians, but crimes committed by soldiers are only increasing by half as much annually. However, the number of burglary cases has increased alarmingly. A total of 209 crimes against property were committed in the Army up to 1 July 1991, and the perpetrators of 103 cases are unknown.

"They steal everything that can be moved," Erno Hauber says. "There are almost no firing ranges left with cables and the electric engines that move the shooting targets intact. Doors, windows, and everything else that can be taken away are disappearing from vacated buildings. The decision to transfer the group dealing with disciplinary information systems to the authority of the chief of staff is only one element in the planned series of measures."

An even more important development is that an order of the commander of the Hungarian Army, Lt General Kalman Lorincz, will soon be published, an order dealing, among other things, with the reorganization of guard duty, examination of commanders' fitness, restoration of the four-year officers' training involving an increased number of lectures on education and psychology, the constant supervision of human relations, the improvement of the social and employment conditions of the new recruits, closer cooperation with the civilian courts, and a further increase of openness to the public.

Cooperation Agreement Signed With Florida

LD1007122491 Warsaw PAP in English 0747 GMT
10 Jul 91

[Text] Washington, July 10—Poland and the American state of Florida have signed an agreement on academic, scientific, cultural, and economic cooperation.

Under the terms of the agreement, Poland and Florida will strengthen their trading and investment links, Florida is to offer training programs for Polish managers and other specialists, and exchange programs for academics and students will be established. The two sides will also encourage a range of cultural activities.

Florida is the third American state, after Illinois and New York, to sign a cooperation agreement with Poland. Several other states have also sent exploratory economic missions to Poland.

Text of Senate's Draft Constitution Published

91EP0558A Warsaw RZECZPOSPOLITA (ECONOMY AND LAW supplement) in Polish 6 Jun 91 pp VII-VIII

["Text" of the draft constitution prepared by the Senate's Constitutional Commission: "The Constitution According to the Senators"—first paragraph is RZECZPOSPOLITA introduction]

[Text] RZECZPOSPOLITA in its 31 May issue published an interview with Senator Alicja Grzeskowiak, chairperson of the Senate Constitutional Committee, as well as a commentary by Senator Karol Modzelewski. These two articles initiated, as it were, discussion of the draft of the constitution prepared by the Senate. Since the public cannot form an opinion of that draft unless it is familiar with its contents, we publish below the text of the draft, without any commentary. Its essence has already been presented in the above-mentioned interview with Senator A. Grzeskowiak in RZECZPOSPOLITA.

In the name of the Almighty!

We the Polish people, bearing in mind

- Our more than 1,000-year-old history linked to the heritage of Christianity;
- The glorious tradition of the Constitution of 3 May;
- The courage and endurance of the generations fighting for independence;
- And the peaceful feat of Solidarity, all blazing the trail toward the community of sovereign countries, and being desirous of building a Polish republic made strong by the love and labor of its citizens, under the aegis of the laws they establish, are expressing our regained freedom on the pages of this Constitution of the Republic of Poland.

Chapter I. Cardinal Principles

Article 1. The Polish state is a republic.

Article 2.1. The Republic of Poland, as the common good of all its citizens, is a sovereign and democratic state which affirms and guarantees the inviolability of the rights of man ensuing from his innate dignity and value.

2.2. The Republic safeguards its independence and inalienable right to the territorial integrity of the Polish state as well as the rights of man and democracy.

Article 3.1. All power derives from the nation, which is formed by the commonality of Polish citizens.

3.2. The nation exercises power directly through referendums and civic legislative initiatives and indirectly through its democratically elected representatives.

Article 4.1. Governance is exercised by separated and mutually balanced legislative, executive, and judicial branches of government.

4.2. Legislative power is exercised by the Sejm, which consists of the Chamber of Deputies and the Senate; executive power, by the president and the government, which is headed by the prime minister; and the judicial [branch], by the sovereign and independent judiciary.

Article 5. The Republic of Poland acknowledges and guarantees the participation of territorial self-government and other forms of local government created by citizens in the exercise of governance.

Article 6. All agencies of the state are subordinated to the Constitution and exercise their powers within the limits envisaged in the Constitution.

Article 7. Political parties, civic movements, and other groupings of citizens acting on the basis of the principle of political pluralism are forms of voluntary and equal political participation in the development and expression of the will of citizens and in shaping the policy of the state.

Article 8.1. The state and the Catholic Church, as well as other churches and denominational unions, are autonomous and independent, with each governing itself by its own laws. Their relationship is based on mutual respect and they may suitably cooperate for the good of man and his communities.

8.2. The relations between the state and the Catholic Church are defined in the agreement concluded with the Apostolic See.

8.3. The relations between the state and other churches and denominational unions are regulated by the law adopted upon reaching an agreement with their proper representatives.

Article 9.1. The coat of arms of the Republic of Poland is the visage of a crowned white eagle in gules.

9.2. The colors of the Republic of Poland are red and white.

9.3. The official hymn of the Republic of Poland is "Dabrowski's Mazurek."

9.4. The capital of the Republic of Poland is the city of Warsaw.

Chapter II. Civil Rights, Liberties, and Obligations

Article 10. The Republic of Poland acknowledges and guarantees the protection of the innate and inviolable rights of man and his basic liberties, both as an individual

and as a member of the community, and it requires [of him] meeting the obligations of political, economic, and social solidarity.

Article 11. No provision concerning the rights and basic liberties acknowledged by the Constitution may be interpreted in a manner contrary to the Universal Declaration of the Rights of Man and any norms of international law binding on Poland as regards the rights of man.

Article 12. In availing himself of his innate rights and liberties, man should bear in mind the common good and the rights and liberties of others.

Article 13.1. The Polish Republic guarantees to all persons who are on Polish territory and who are subject to the jurisdiction of the Polish state the rights acknowledged by the Constitution irrespective of any differences whatsoever, such as race, color, sex, language, creed, political views, or a different ethnic or social origin, property status, birth, or any other circumstances. Exceptions concerning military personnel are defined by law.

13.2. Everyone is equal before law and entitled to the same legal protection.

Article 14. The Republic of Poland guarantees to national or linguistic minorities the right to preserve and nurture their own culture, language, customs, and traditions. It also guarantees them the right to establish their own educational, religious, and cultural institutions and to participate in decisionmaking concerning the acknowledgment and protection of their cultural identity.

Article 15. Enjoyment of the liberties guaranteed by the Constitution requires no permit, unless the Constitution provides for any such requirement.

Article 16. The Republic of Poland guarantees to any person whose Constitutional rights and liberties are violated the availability of legal redress, also when such violations are committed by persons acting in official capacity.

Article 17.1. The Republic of Poland acknowledges the innate right of every human being to life starting from its inception and guarantees the legal protection thereof.

17.2. No one may be punished by a death sentence.

17.3. No one may be subjected to tortures or to cruel, inhuman, or degrading treatment or punishment.

17.4. No one may be subjected, in the absence of his or her voluntary consent, to medical or scientific experiments.

Article 18.1. The Republic of Poland guarantees legal protection of personal freedom.

18.2. No one may be imprisoned otherwise than on the lawfully defined principles and through the lawfully defined procedure based on a judicial ruling. The imprisonment may last only as absolutely necessary, and as long as its legal foundations continue to be valid.

18.3. It is the duty of the authorities to immediately advise imprisoned persons of the reasons for their imprisonment. Protection of personal dignity is guaranteed to these persons.

18.4. Any person who is imprisoned has the right to immediately contact an attorney and avail himself of his assistance to the legally defined extent. A person indicated by the imprisoned person should be immediately notified of the imprisonment.

Article 19. Detention by the police may be only for a period of not more than 24 hours if there is reason for immediate detention or if a grave violation of public order is committed. The public prosecutor may prolong the period of detention for not more than another 24 hours.

Article 20. Any detention linked to suspicion that a crime has been committed is subject to immediate judicial control. In other cases of detention, judicial control is exercised on the demand of the detainee or his or her representative.

Article 21. Anyone who is unlawfully deprived of freedom has the right to compensation, for which he may file a claim at a court of law.

Article 22.1. Every one has the right to personal privacy, privacy of family life, honor, good name, [and the privacy of] mail, telephone conversations, and housing.

22.2. Personal searches or searches of premises may be performed by virtue of a warrant issued by a public prosecutor or a court of law.

22.3. This right may be interfered with only if envisaged by law and necessitated by interests of national security and public safety, and also with the object of averting the consequences of natural disasters, to protect the health or morality or the rights and liberties of other persons.

Article 23. Everyone has the right to inspect his or her personal dossiers unless prevalent public or private interest requires maintaining their secrecy. Everyone has the right to claim rectification of [the information contained in] these dossiers.

Article 24.1. Everyone has the right to freedom of conscience and religion. This right comprises the freedom of possession or reception of religion by personal choice and the freedom to externalize, individually or in company with others, privately or publicly, his or her religion through the performance of prayers and religious observances, participation in ceremonies, practicing, and teaching. Freedom of religion is also translated into reality through the possession of temples or places of worship, depending on the needs of the believers, and through the right of individuals to avail themselves of religious assistance wherever they may be.

24.2. The state acknowledges the right of parents to provide their children with moral and religious education consonant with their beliefs. Any legally recognized religion may be a subject of instruction at a school, and in this connection the right of other persons to freedom of religion and the rights of unbelievers may not be violated.

24.3. Freedom to externalize religion is subject solely to the legally prescribed restrictions when these are needed to protect national security, public order, health, morality, or the rights and liberties of other persons, while respecting equality and justice.

Article 25.1. Everyone has the right to the freedom of possession, assembly, transmission, and other forms of externalization of personal thoughts, convictions, or beliefs.

25.2. This right also includes the freedom of search, assembly, and dissemination of information, including information on the activities of the government and officials of the central and local government institutions.

25.3. The state guarantees freedom of art, science, and scientific research, and of the publication of their results.

25.4. The utilization of these freedoms may not be restricted by preventive censorship or by a system of permits. Laws, however, may provide for the requirement to obtain a permit to operate a radio station or a television station.

25.5. The utilization of these freedoms may be legally restricted when so needed by considerations of national security, public order, or the health and morality and also rights and liberties of other persons.

Article 26.1. The Republic of Poland recognizes the right to property ownership and the right to inheritance and guarantees the legal protection of these rights.

26.2. The utilization of property may not harm the general good and the rights of other individuals. The state has the right to legally restrict the utilization of property in consonance with the general good.

26.3. No one may be dispossessed, unless this is required in the public interest, on terms of and by the procedure prescribed by law, and in return for immediate compensation.

Article 27.1. Everyone has the right to free movement and choice of domicile on the territory of the Republic of Poland.

27.2. Everyone has the right to freely depart from the territory of the Republic of Poland.

27.3. Individuals of Polish origin have the right to return to Poland and settle on the territory of the Republic of Poland.

27.4. The above rights may be subjected to legally defined restrictions when so required by considerations of national security, public order, health, morality, or the rights and liberties of other persons.

27.5. Polish citizens may not be deprived of the right to enter Poland.

Article 28.1. Everyone has the right to have his case considered fairly and publicly, without any unwarranted delay, by an independent, impartial, and autonomous judiciary.

28.2. A closed trial may be held in consideration of morality, public order, or the need to protect the safety and privacy of the parties. The verdict is always announced publicly, with the exception of cases concerning conjugal disputes or child custody.

28.3. Each party has the right to appeal the verdict of the court of the first instance.

Article 29.1. A person accused of committing a punishable offense is considered innocent until proved guilty by the legally prescribed procedure.

29.2. Criminal proceedings against the same person for the same offense are inadmissible if they have already been legally completed in judicial proceedings. This does not preclude the possibility of reinstituting proceedings under legally prescribed guidelines.

Article 30.1. Only persons committing punishable offenses under the laws binding at the time they are committed are held to be criminally responsible.

30.2. Punishment may not be decreed for an offense that was not punishable at the time it was committed, unless a law providing for a more lenient punishment for the offender is concerned.

30.3. The above provisions are no obstacle to trial and sentencing for an offense which, at the time it was committed, was a criminal offense under general provisions of law recognized by the international community.

Article 31.1. Anyone against whom criminal proceedings are instituted is entitled to defense and has the right to avail himself or herself of a counsel for the defense, by choice or ex officio. Persons in a difficult material situation may avail themselves of a counsel for the defense at the expense of the State Treasury.

31.2. No one may be forced to testify against himself or herself in any criminal case whatsoever.

31.3. Anyone against whom criminal proceedings are instituted has the right to immediately obtain information on the nature of and grounds for the accusations made against him or her, and to be afforded the possibility of preparing his or her defense.

Article 32.1. The family as the fundamental and original community vis-a-vis the state enjoys its own, inalienable rights.

32.2. The family and motherhood are under the protection of the state.

32.3. Parents have the natural right to and priority in raising children in accordance with their beliefs.

32.4. Children have the right to protection and special care before and after birth.

Article 33.1. Polish citizenship is acquired by:

a) Birth, from parents who have Polish citizenship.

b) Bestowal, by an authorized office of the state.

33.2. Other provisions governing Polish citizenship, its acquisition, and its loss are defined by special laws.

Article 34.1. Citizens have the right to assemble, for peaceful purposes and without arms, in public spaces, without being required to obtain any permission.

34.2. Freedom of assembly may be subjected to legal restrictions when so required by considerations of national security, public order, health, morality, and the rights and liberties of other persons.

Article 35.1. The Republic of Poland acknowledges and guarantees freedom of assembly for its citizens. Laws define the procedure for the judicial registration of assemblies. The registration does not require prior approval.

35.2. Citizens may associate themselves in political parties with the object of influencing national policy by democratic methods.

Article 36.1. Citizens have the right to take part in public affairs, directly or through their representatives.

36.2. Citizens have equal right to assume public duties and offices in consonance with the legal requirements.

Article 37.1. The Republic of Poland guarantees the freedom to [establish and join] trade unions. Laws may restrict or preclude the applicability of this right with regard to members of the Armed Forces or armed formations, or with regard to employees of other institutions subjected to military disciplines, and define the special conditions for the applicability of this right to civil servants.

37.2. The freedom to [establish and join] trade unions includes the right to establish trade unions and to join them on the principle of free choice, as well as the right of trade unions to form or join confederations and to establish international trade union organizations.

37.3. Freedom of association may be subjected to legally defined restrictions if so required by considerations of national security, public order, health, morality, or the rights and liberties of other persons.

Article 38. The Republic of Poland guarantees free enterprise. The state has the right to legally curtail freedom of enterprise in consideration of the common good.

Article 39.1. Everyone has the right to education.

39.2. Elementary school education is mandatory and, in state schools, provided gratis by the state.

39.3. The autonomy of institutions of higher education is guaranteed.

Article 40.1. Every citizen has the right to the state's care over his or her labor.

40.2. Persons who are unemployed through no volition of their own have the right to benefits which a separate law shall define.

40.3. The right to strike in order to defend employee interests is recognized. The right to strike is utilized under the laws which regulate it.

Article 41. Everyone has the right to basic medical care by the public health service.

Article 42. Citizens have the right to submit, individually or collectively, petitions to any office of the general or local government administration.

Article 43.1. Extradition may be resolved upon solely with the object of implementing a treaty or a law, on taking the principle of reciprocity into account. A political crime may not be grounds for extradition, with the reservation that

acts of terrorism are not considered political crimes. Polish citizens are not subject to extradition or expulsion.

43.2. Perpetrators of an offense punishable by the death penalty under the law of the country demanding their extradition are not extradited.

43.3. Citizens of other countries and stateless persons may avail themselves of the right of asylum under legally defined guidelines.

Article 44. It is the obligation of every citizen to be loyal to the Republic of Poland, to defend it, to respect its Constitution and the laws based thereon, and also to obey its laws.

Article 45.1. Military service is the obligation of every citizen.

45.2. The scope of the obligation of military service, including also exemptions from that obligation in consideration of personal beliefs, is legally defined.

Article 46. Civilian service, insofar as it is demanded by the Republic, is the obligation of every citizen.

Article 47. It is the obligation of every citizen to contribute to the common good and bear the legally prescribed burdens and render the legally defined services for public benefit.

Chapter III. Sources of Law

Article 48.1. The sources of the laws of the Republic of Poland are: the Constitution of the Republic of Poland, organic laws, statutory laws, executive orders and implementing regulations of executive power, provisions of local laws, and customary norms of international law to the extent indicated by this Constitution.

48.2. Other law sources are decrees with the power of laws issued by the president in cases defined by this Constitution.

48.3. No lower-ranking regulation may conflict with hierarchically higher-ranking regulation.

48.4. Legal acts may not be retroactive.

Article 49.1. The Constitution is the supreme law of the Republic of Poland.

49.2. The provisions of the Constitution apply directly, unless otherwise specified by the Constitution.

a) All legal acts of the Republic of Poland must be consonant with the Constitution.

b) Provisions violating the provisions of the Constitution or the values and principles indicated in the Constitution may not be applied and should be waived by the procedure prescribed for verifying the constitutionality of legal acts.

Article 50.1. Organic laws are the laws regulating:

a) The guidelines and procedure for electing the president and for elections to the Chamber of Deputies and the Senate, and also to local governments.

b) Citizens' legislative initiatives or referendums.

c) Principles for creating laws.

d) Organizational structure and scope of activities of local governments.

e) Organizational and scope of activities of supreme and central agencies of the state.

50.2. The passage, amendments, or waivers of organic laws require an absolute majority of votes in the presence of at least one-half of the statutory number of members in both chambers.

50.3. Organic laws may be proclaimed by the president only after their consonance with the Constitution is affirmed by the Constitutional Tribunal.

50.4. If an organic law is considered to be inconsonant with the Constitution, the president declines to sign it.

Article 51.1. Legal acts concerning the following matters may be issued in the form of a law:

1) Limits of the liberties and scope of the rights and responsibilities of citizens as established in the Constitution, along with their safeguards.

2) Responsibilities and rights of citizens and public organizations with respect to the state; responsibilities and rights in relations between citizens and between public organizations.

3) Definition of actions prohibited under the threat of penalty or other means of coercion by the state, the principles of penal responsibility, and the principles for the administration and execution of penalties and amnesties.

4) The credit and monetary system and the system of financing public activities, along with budget law.

5) The obligations and rights of civil servants and the responsibility of the state for their activities.

6) The system for the management and disposal of the property of the State Treasury and state organizations.

7) Territorial development of the country and protection of the natural environment.

8) Agencies for the administration of justice, offices of public prosecutors, law enforcement agencies, and control agencies.

9) Proceedings before offices of the administration and supervision of the legality of administrative actions.

10) Organizational structure and scope of activities of public, worker, and occupational self-governments.

11) Local offices of state agencies.

51.2. Other legal acts may also be issued in the form of laws when so specified by the Constitution.

51.3. The Constitutional indication of the matters reserved for regulation by means of laws does not mean that all other matters are excluded from such regulation.

51.4. Laws other than organic laws are adopted by an ordinary majority of votes in the presence of at least one-half of the statutory number of members in both chambers.

Article 52.1. Executive orders are binding legal acts. They are issued by the entities indicated in the Constitution. They represent implementing regulations with respect to legislative acts.

52.2. Executive orders may be issued solely on the basis of an explicit legal authorization, and they may not contain any provisions conflicting with any law whatsoever. The authorization should closely define the office competent to issue executive orders and the scope of the matters to be regulated.

52.3. The office authorized to issue an executive order may not transfer its powers in this respect to another office.

Article 53.1. Executive orders represent internal legal acts of state organizational units.

53.2. Executive orders may be issued solely on the basis of an explicit legal authorization or other commonly binding legal acts defining the competence of the agencies exercising jurisdiction and supervision over the units subordinate thereto. Executive orders may moreover define the scope of activities or organizational structure of the agencies issuing them.

53.3. Executive orders are binding solely on the employees of the state organizational units issuing these orders, and of the units subordinate thereto. They may not be grounds for issuing rulings concerning other individuals or legal entities.

53.4. Executive orders are subject to verification of their consonance with the Constitution or other constitutionally indicated sources of law on general principles.

Article 54.1. Offices of local governments and local offices of the state administration have the right, based on and within the limits of their legal competence, to issue local-law regulations binding within their administrative areas. This right may not be a basis for issuing regulations defining offenses prohibited under the threat of penalties administered by the procedure and on the principles defined in the law on petty offenses.

54.2. Appropriate laws shall define the scope of the creation of local laws.

54.3. Legal acts passed by the Sejm as well as executive orders have priority before local laws.

54.4. Local laws are subject to verifying their consonance with the Constitution and other commonly binding legal acts on general principles.

Article 55.1. Prior consent in the form of a law is required for the Republic of Poland to bind itself by the following international agreements, as well as to renounce them or withdraw from them:

1) Peace treaties, alliances, or agreements of a military nature.

2) Agreements concerning the territorial integrity of the Republic of Poland.

3) Agreements concerning the rights, liberties, and obligations of citizens defined in the Constitution.

4) Agreements on the basis of which the Republic of Poland acquires membership in international organizations.

5) Agreements permanently encumbering the state financially.

6) Agreements concerning matters regulated by laws or which under the Constitution are to be regulated in the form of laws.

55.2. Any territorial change of the Republic of Poland is invalid without the consent of the inhabitants of the territory concerned.

Article 56.1. The Republic of Poland adheres to the international law binding it.

56.2. Legally concluded international agreements, after their proper publication in the Republic of Poland, are part of the internal legal order and are directly applied by all agencies of the state, and in particular by the courts and local government offices, unless their application is contingent on the issuance of domestic laws. Their provisions may be waived, amended, or suspended only in the manner envisaged in these agreements themselves or in consonance with the general norms of international law.

Article 57. The conclusion of an international agreement that contains provisions conflicting with the Constitution requires a prior amendment of the Constitution. Upon the recommendation of either chamber of the Parliament, the president, or the government, the Constitutional Tribunal evaluates the consonance of international law with the Constitution.

Article 58. An international agreement that is ratified by both chambers of the Parliament is more binding than a domestic law, as is a customary norm of international law if it cannot be reconciled with the domestic law. Other international agreements binding the Republic of Poland prevail, in the event of a conflict, over legal acts ranking below laws.

Chapter IV. Legislative Power

Article 59.1. The Sejm [Parliament] consists of two chambers: the Chamber of Deputies and the Senate.

59.2. The Chamber of Deputies consists of 444 deputies.

59.3. The Senate consists of 100 senators elected from the voivodships.

Article 60.1. The terms of office of both chambers of the Sejm are four years.

60.2. The term of office of the Senate commences and ends concurrently with the term of office of the Chamber of Deputies.

Article 61. Elections to the Chamber of Deputies and the Senate are free, popular, equal, and direct, and take place by means of secret ballot.

Article 62. Every Polish citizen upward of 18 years of age has full voting rights as regards both chambers of the Sejm.

Article 63.1. Any Polish citizen with full voting rights who is upward of 21 years of age is eligible for election to the Chamber of Deputies.

63.2. Any Polish citizen who is upward of 30 years of age is eligible for election to the Senate.

Article 64.1 [numbering as published]. Voting rights do not apply to persons who were sentenced by a judicial verdict to deprivation of public rights or who are completely legally incapacitated.

Article 65. Each chamber of the Sejm verifies the validity of the elections of its members and rules on their loss of mandate to represent their voters.

Article 66.1. No one may be simultaneously a deputy and a senator.

66.2. No one may exercise the mandate of a deputy or a senator while at the same time being:

- A high official in the government administration, with the exception of ministers.
- A justice of the Constitutional Tribunal.
- The ombudsman for citizens rights.

66.3. Laws may define other instances in which said mandate may not be combined with other offices.

Article 67. Deputies and senators may not engage in economic activity for personal gain upon utilizing the resources owned by the State Treasury or local governments, nor may they acquire the title to such resources. While exercising their mandate, deputies and senators may not receive decorations, orders, and honorifics of the Republic of Poland other than military ones.

Article 68. Deputies and senators are representatives of the entire nation, not just of the electoral districts from which they were elected, and they are not bound by any electoral instructions.

Article 69.1. Deputies and senators may not be made accountable for their activities in the Sejm or outside the Sejm insofar as these are linked to the exercise of their mandate, both while their mandate is in effect and after it expires.

69.2. Throughout the duration of their mandate, deputies and senators may not be subjected to criminal or disciplinary responsibility nor to imprisonment without the permission of the Chamber in which they sit.

Article 70. Deputies and senators have the right to receive appropriate salaries guaranteeing their independence.

Article 71. The first session of either of the chambers of a newly elected Sejm is convened by the president within 30 days after the elections are over.

Article 72. The Chamber of Deputies and the Senate deliberate at their sessions.

Article 73.1. Each of the chambers of the Sejm elects a speaker and deputy speakers from among its members.

73.2. The speaker directs the deliberations and oversees the course of the chamber's work.

73.3. Joint sessions of the two chambers of the Sejm are chaired by the Speaker of the Chamber of Deputies.

73.4. Each of the chambers of the Sejm adopts its own house rules and approves its own budget. Joint sessions of both chambers deliberate in accordance with the house rules of the Chamber of Deputies.

73.5. Each chamber may appoint committees to investigate particular matters.

Article 74. The chambers adopt resolutions by a simple majority of votes in the presence of a quorum of at least one-half of the statutory number of their members, unless the Constitution provides for a different kind of majority.

Article 75.1. Sessions of the chambers are public, unless a chamber resolves in favor of secrecy of deliberations by an absolute majority of votes in the presence of a quorum of at least one-half of the statutory number of its members.

75.2. This also applies to the joint sessions of both chambers of the Sejm.

Article 76.1. Legislative initiative belongs to the deputies, the Senate, the president, and the government.

76.2. Legislative initiative also belongs to citizens.

Article 77.1. Any draft law passed by the Chamber of Deputies will be transmitted for consideration to the Senate.

77.2. Within 30 days from the date of the transmittal the Senate may either declare that it has no reservation about the draft or amend it or reject it.

77.3. The Senate's amendments may concern all the aspects of the subject matter of the draft law considered.

77.4. The resolution of the Senate rejecting or amending the draft law is considered as adopted if the Chamber of Deputies does not override it by a majority of 11/20 of votes in the presence of at least one-half of the statutory number of its members.

77.5. The president signs laws and orders their publication in *DZIENNIK USTAW*.

77.6. If, within 30 days from the date a draft law is transmitted thereto by the Chamber of Deputies, the Senate takes no position on it, the president may order publication of the text of the law as resolved upon by the Chamber of Deputies.

77.7. Before signing the law the president may ask the Constitutional Tribunal within 30 days to verify its consonance with the Constitution.

77.8. The president may veto the law and transmit it within 30 days together with a rationale to the Chamber of Deputies for a reconsideration.

77.9. If the presidential veto is overridden by the Chamber of Deputies by at least two-thirds of the votes in the presence of at least one-half of the statutory number of its members, the president immediately signs the law and orders its publication.

Article 78.1. The State Budget is voted on annually in the form of a law.

78.2. The Government presents to the Chamber of Deputies the draft State Budget not later than 120 days prior to the commencement of the new budget year.

78.3. Both chambers of the Sejm together are given 90 days from the date of presentation of the draft budget by the government to consider it, with the Chamber of Deputies having 60 days and the Senate 20 days, plus 10 days for consideration of the Senate's amendments by the Chamber of Deputies.

78.4. The resolution of the Senate amending the draft budget is considered accepted if the Chamber of Deputies does not veto it by a majority of 11/20 of the votes in the presence of at least one-half of the statutory number of its members.

78.5. If the chambers of the Sejm do not accept the budget within the prescribed time limit, or if the president vetoes the budget law and transmits it within 30 days together with a rationale of the veto for reconsideration by the Chamber of Deputies, and if the Chamber of Deputies fails to override the veto by a majority of two-thirds of the votes in the presence of at least one-half of the statutory number of its members, the president shall sign and order the publication of the budget as originally presented in the government draft.

Article 79.1. Any deputy may present an interpellation or a question addressed to the government or to its individual members.

79.2. The right to ask questions also belongs to the Senate and its committees.

79.3. The prime minister or individual ministers are obligated to provide answers to the interpellations of deputies within the time limit and by the procedure determined by the Chamber of Deputies.

79.4. The chambers and their committees may demand the presence of members of the government at their sessions.

79.5. The prime minister, the ministers, and the officials they delegate, have the right to participate and speak at sessions of the Chamber of Deputies and the Senate as well as at the joint sessions of the chambers of the Sejm.

Article 80.1. The Chamber of Deputies may, on the initiative of one-tenth of the deputies, adopt a vote of no confidence in the government with regard to the implementation of its program or to an issue of national significance.

80.2. The proposal for a vote of no confidence may be considered only after 3 days from the date of its presentation.

80.3. The passage of a vote of no confidence requires an absolute majority of deputies in the presence of at least one-half of the statutory number of deputies.

80.4. The passage of a vote of no confidence results in the dismissal of the government.

Article 81.1. Elections to the Chamber of Deputies and the Senate take place within 60 days after the expiration of the term of office of both chambers or after their dissolution.

81.2. The president may dissolve the Sejm before the expiration of its term of office, upon consulting the speaker of the Chamber of Deputies and the speaker of the Senate, if:

1) The chambers fail to pass the budget law within 90 days.

2) The Chamber of Deputies adopts a vote of no confidence in the government and thereby results in causing a third change in the government within a year.

Article 82.1. The nation exercises citizens' legislative initiative in the form of a proposal published as a draft edited in articles and signed by at least 100,000 fully eligible voters.

82.2. Citizens' legislative initiative may not be undertaken so far as amending the Constitution, the budget, or an amnesty, is concerned.

82.3. An organic law shall define the forms of the implementation and terms of citizens' legislative initiative.

Article 83.1. A referendum is announced to decide upon the total or partial waiver of a law if so demanded by 500,000 voters or by at least one-half of the voivodship dietines.

83.2. Referendums on tax laws, the budget, amnesties, and ratifications of international agreements are not admissible, nor may a referendum concern the constitutionally guaranteed rights of man.

83.3. Political decisions of special importance may be subjected to a consultative referendum.

83.4. The right to participate in a referendum belongs to citizens who enjoy full voting rights.

83.5. A proposal submitted for a referendum is adopted if a majority of the eligible voters take part in the balloting and if it has won a majority of the valid votes.

83.6. An organic law shall define the principles and procedure for conducting referendums.

Chapter V. Executive Power

Article 84. The president is the supreme representative of the state and highest executive in the land.

Article 85.1. The president is elected in free, common, equal, and direct elections and by secret ballot.

85.2. The right to elect the president belongs to every Polish citizen with full Sejm voting rights.

85.3. Presidential elections are ordered by the speaker of the Chamber of Deputies not earlier than 120 days and not later than 90 days prior to the expiration of the term of office of the current president, and in the event that the presidential office is vacated, not later than 14 days after said office is vacated, on designating an election date some time within 60 days from the day the elections are ordered.

85.4. The president is elected by an absolute majority of the valid ballots cast. If during the first balloting no candidate wins the required majority, runoff elections are held within 14 days afterward for the two candidates who

won the most votes during the first balloting. In the runoff elections the president is elected by a simple majority of votes.

Article 86.1. The president is elected from among candidates nominated by at least 100,000 Polish citizens with full Sejm voting rights.

86.2. Any Polish citizen upward of 35 years of age who has full Sejm voting rights can be elected president.

86.3. Candidates for the presidency are subject to a public hearing at a joint session of the chambers of the Sejm.

86.4. The newly elected president takes office upon deposing the following oath in the presence of the joint chambers of the Sejm:

"I swear to you, nation of Poland, that upon hereby assuming the Office of the President of the Republic, I shall solemnly adhere to and protect the laws of the Republic, and above all the Constitution, faithfully serve the common good of the nation with all my strength, vigilantly turn back any evil and perils from the state, incessantly guard the dignity of Poland's name, view as my paramount duty to preserve equal justice for all citizens, and devote myself entirely to the duties of my office and service. So help me God. Amen."

The oath may also be sworn without the religious formula.

86.5. A president who is elected before the expiration of the term of office of the current president takes office on the day following said expiration.

Article 87.1. The president is elected for a term of five years and may be reelected for the directly following term just once.

87.2. The term of office of the president is reckoned from the day of swearing into office.

Article 87.1. [numbering as published] The president may not be a member of the government nor a member of the Chamber of Deputies or the Senate.

87.2. The president may not engage in any other paid occupation.

Article 88.1. The president may not [finish] his term of office, owing to:

1) Demise.

2) Resignation of office.

3) Being deemed by the joint chambers of the Sejm to be unable to exercise his office owing to the condition of his health, by a majority of at least two-thirds of votes in the presence of at least one-half of the statutory number of members of both chambers.

4) Deposition from office owing to a ruling of the Constitutional Tribunal.

88.2. When the office of the president is vacated, and also when the president is temporarily unable to exercise his office, he is replaced by the speaker of the Chamber of Deputies, or, if the latter is unable to perform that duty, by the speaker of the Senate, also in the event that the term of office of the Sejm has expired.

88.3. The person replacing the president may not:

- 1) Dissolve the Sejm.
- 2) Veto a law.

3) Transmit a law for consideration by the Constitutional Tribunal, with the exception of organic laws.

[No "Article 89," as published]

Article 90.1. The president orders elections to the Chamber of Deputies and the Senate.

90.2. The president convenes and inaugurates the first session of the chambers of the newly elected Sejm.

90.3. The president appoints and recalls diplomatic representatives of the Republic of Poland abroad. He receives letters of accreditation and recall of the diplomatic representatives of other countries accredited with him.

90.4. The president is the supreme commander of the Armed Forces.

90.5. The president confers orders, decorations, and honorary titles.

90.6. The president exercises the right of pardon. The president may not apply that right to members of the government who are drawn to constitutional responsibility.

90.7. The president has the right to address messages to the Chamber of Deputies and the Senate, and also to the joint chambers of the Sejm. Presidential messages may not be the subject of debate in the chambers.

90.8. The president confers a statute on the Civil Chancellery of the President and appoints and recalls its director.

90.9. The president exercises other powers specified in the Constitution or transferred to him by organic laws.

Article 91.1. The president does not bear parliamentary or judicial responsibility for his official acts.

91.2. For deliberate violation of the Constitution or for the crime of treason or other severe crime, the president may be impeached by a resolution of the joint chambers of the Sejm adopted by a majority of at least two-thirds of the votes of the statutory joint number of members of both chambers, upon the motion of one-fourth of the members.

91.3. The case is considered and a verdict pronounced by the Constitutional Tribunal.

91.4. Once under impeachment, the president is suspended from his official duties.

91.5. For all other crimes the president is responsible after the expiration of his term of office.

Article 92.1. To implement laws and on referring to his legislated powers, the president has the right to issue executive orders, ordinances, and other implementing regulations.

92.2. The above-mentioned executive orders, ordinances, and other implementing regulations require countersignatures by the prime minister and the appropriate minister.

Article 93.1. The president ratifies and renounces international agreements upon consulting the Sejm.

93.2. Peace treaties; alliances; agreements of a military nature; agreements concerning the territorial integrity of the Republic of Poland; agreements concerning the rights, liberties, and responsibilities of citizens as defined in the Constitution; agreements on the basis of which the Republic of Poland becomes a member of international organizations; agreements permanently encumbering the state financially; and agreements concerning matters regulated by law or those which under the Constitution are to be regulated by law may be ratified upon the prior consent of the chambers of the Sejm as expressed in the form of legislation.

93.3. Government and ministry agreements are ratified or approved independently by the president or, upon his authorization, the government.

Article 94. The president appoints and recalls the prime minister, and upon the prime minister's recommendation appoints and recalls ministers.

Article 95. The president may convene meetings of the government and chair them in matters of special importance.

Article 96. The government directs the affairs of state.

Article 97.1. The government consists of the prime minister, ministers, and other members to be defined by law.

97.2. The prime minister may entrust the office of the deputy prime minister to one of the ministers.

97.3. The organizational structure of the government will be defined by an organic law.

Article 98. The prime minister directs the activities of the government and represents it.

Article 99. The ministers direct specified branches of state administration.

Article 100. The ministers bear joint responsibility for the general direction of activities of the government. Each minister moreover bears individual responsibility for the activities of the branch of state administration entrusted to him.

Article 101. The government presents reports on its activities to the Chamber of Deputies.

Article 102. The government, the prime minister, and individual ministers have the right to issue executive orders and ordinances.

Article 103. Members of the government bear constitutional responsibility before the Constitutional Tribunal for any deliberate violations of the Constitution or of other legislation, performed in connection with the exercise of their duties.

Article 104. Members of the government may not exercise any other paid office, engage in any business operations, or be members of the boards of governors or officers of profitmaking institutions.

Article 105.1. The field representative of the government is the voivode.

105.2. The duties of the general government administration in the field are exercised by:

- The voivodes and the offices of the general government administration under their jurisdiction.
- Field offices of the government administration under the direct jurisdiction of the ministers.
- Offices of local governments, with respect to the duties assigned to them by the central government.

Chapter VI. Judicial Power

Article 106.1. The exercise of the administration of justice in the Republic of Poland belongs to the courts of law.

106.2. The courts administer justice in the name of the Republic of Poland.

106.3. The organizational structure, competences, and procedures of the courts are determined by laws.

Article 107. In exercising their functions, the courts are independent of agencies of legislative and executive power.

Article 108. The existence of a two-instance system of the judiciary is guaranteed, with the exception of matters belonging within the competences of the administrative courts.

Article 109. Judicial verdicts may not be altered or waived by any other agency, with the reservation of the right of pardon.

Article 110. The courts have no right to investigate the validity of the legal acts indicated in the Constitution.

Article 111. The courts exercise control over the legality of administrative rulings.

Article 112. The Supreme Court is the supreme judicial body and acts in the capacity of a court of cassation.

Article 113. The first chairman of the Supreme Court is appointed from among justices of the Supreme Court and recalled by the Chamber of Deputies on the recommendation of the president, while the chairman of the Supreme Court is appointed by the president on the recommendation of the National Judiciary Council.

Article 114.1. The Supreme Administrative Tribunal issues its rulings in the capacity of a court of cassation.

114.2. The Supreme Administrative Tribunal resolves jurisdictional disputes between the general government administration and agencies of local governments.

Article 115. The chairman of the Supreme Administrative Tribunal is appointed from among justices of the Supreme Administrative Tribunal by the president on the recommendation of the National Judiciary Council.

Article 116. Supervision by higher courts is confined to the cases under examination. A court examining a case is not bound by the interpretation of law performed outside the case in question by any agency whatsoever, including a higher court.

Article 117. Judges are appointed by the president on the recommendation of the National Judiciary Council. The composition, powers, and operating procedure of the National Judiciary Council are defined by law.

Article 118.1. In exercising their office, judges are independent and subject only to law.

118.2. The rights and duties of judges are defined by law.

Article 119.1. Judges are not removable from office.

119.2. The deposition of a judge from office, suspension from office, transfer to another post, or forced retirement may take place solely by virtue of a court ruling and only in the cases specified by law.

Article 120. A judge may not be brought to justice in a criminal case without the permission of the proper court of law, nor may he be placed in detention without a court order, unless he is apprehended in flagrante delictu.

Chapter VII. Local Governments

Article 121.1. Local government, representing an organized community inhabiting a given area, is the basic form of organization of local public life.

121.2. The various kinds of local government are defined by law.

121.3. Local governments exercise a substantial part of municipal duties and, to the extent regulated by law, they perform tasks recommended by the general government administration.

121.4. The principal form of local government is the gmina.

Article 122.1. Local governments have the status of legal entities and perform public tasks in their own name and on their own responsibility.

122.2. Local governments have the right to own property, as well as other material rights. These rights constitute municipal property.

122.3. The revenues of local governments derive from legally defined sources and are complemented with subsidies from the State Budget.

Article 123.1. The constituent body of the local government is the council, which is elected by the local residents.

123.2. Local residents may adopt decisions by voting in a referendum.

123.3. Voting is free, popular, direct, and equal, and takes place by secret ballot.

123.4. The council elects the executive bodies of the local government and freely defines, within the bounds of law, its internal structures.

Article 124. Local governments have the right to associate themselves within the boundaries of the state as well as to cooperate with foreign local communities.

Chapter VIII. National Defense and States of Emergency in the State

Article 125. The Armed Forces stand guard over the sovereignty, independence, and territorial integrity of the Republic of Poland.

Article 126. The president annually orders drafting citizens into active military service.

Article 127.1. Using the Armed Forces outside the boundaries of the state requires prior resolutions of approval by the Chamber of Deputies and the Senate.

127.2. If any delay in this respect imperils the state, the decision to use the Armed Forces without the approval of both chambers of the Sejm may be taken by the president upon consulting the government.

127.3. Inside the country, the Armed Forces may be used by virtue of a decision of the president issued upon the recommendation of the government, in the event that armed action intended to overthrow the constitutional system of the Republic of Poland is taken, in the event that serious internal unrest combined with armed conflict is endangering public safety, and also in the event of declaration of martial law or state of emergency insofar as resorting to police forces is inadequate.

Article 128.1. The joint chambers of the Sejm appoint and recall, upon the recommendation of the president, the inspector general of the Armed Forces, who in wartime is expected to be their commander in chief.

128.2. The rights and responsibilities of the inspector general of the Armed Forces are defined by law.

Article 129.1. The joint chambers of the Sejm may adopt a resolution declaring the state of war if the territory of the Republic of Poland is under armed attack or if belligerent activities ensue from international agreements.

129.2. If the situation requires immediate action and the joint chambers of the Sejm are unable to adopt a corresponding resolution, the president declares the state of war.

Article 130.1. On the recommendation of the government or on his own initiative the president proclaims martial law on a part or the whole of the territory of the Republic of Poland when so required by considerations of external threat to national security.

130.2. For the same reasons the president may proclaim partial or total mobilization.

Article 131.1. On the recommendation of the government or on his own initiative the president may proclaim, for a specified period of time that is not longer than three months, a state of emergency on a part or the whole of the territory of the Republic of Poland in the event of a threat to the existence of the nation or in the event of a natural disaster.

131.2. The president's decision is subject to confirmation by the Chamber of Deputies and the Senate within a month from the date of proclamation of the state of emergency.

131.3. A state of emergency may be extended only once and for a period of not more than three months, with the consent of the Chamber of Deputies and the Senate.

Article 132.1. In the event of proclamation of a state of emergency or martial law, the following rights and liberties contained in the Constitution may be suspended: personal inviolability; inviolability of the privacy of one's home; privacy of personal correspondence; freedom of association; freedom of speech, belief, information, and press; freedom of assembly; and the right to participate in public affairs.

132.2. The detailed terms and legal consequences of the proclamation of a state of emergency or martial law are defined by law.

Article 133. For the duration of martial law or state of emergency the Chamber of Deputies and the Senate may not be dissolved, and in the event that their terms of office expire these terms are subject to an automatic extension for three months after that law or state is terminated.

Article 134. In the event that the term of office of the president expires while martial law or state of emergency is in progress, said term is subject to an automatic extension for three months after that law or state is terminated.

Article 135. For the duration of martial law or state of emergency the Constitution and the electoral laws may not be amended.

Article 136. In the event that it is not possible for the Sejm to exercise its legislative duties during martial law, the president is authorized to issue decrees with the power of laws to the extent needed to assure the functioning of the state.

Chapter IX. Control Institutions

Article 137.1. The Supreme Chamber of Control is the supreme body in charge of auditing the financial and economic activities of the state, the public sector, and the entities availing themselves of public funds or of the assets of the State Treasury.

137.2. The Supreme Chamber of Control also monitors the implementation of the State Budget and submits the related reports to the Chamber of Deputies.

Article 138. The Supreme Chamber of Control is independent of the government and subject to the Chamber of Deputies.

Article 139.1. The Chairman of the Supreme Chamber of Control is appointed and recalled by the Chamber of Deputies.

139.2. The Chairman of the Supreme Chamber of Control is responsible for the exercise of his duties under the same principles as those applying to the responsibility of ministers.

Article 140. The powers, organizational structure, and operating procedures of the Supreme Chamber of Control are defined by an organic law.

Article 141. The ombusman for citizens rights is appointed and recalled by the Senate for a term of four years.

Article 142. The ombusman for citizens rights supervises the adherence to the civil rights and liberties as defined in the Constitution or laws.

Article 143. The right to present complaints to the ombusman for citizens rights belongs to any person whose civil rights and liberties have been violated by the actions of state offices.

Article 144. The ombusman for citizens rights presents to the Senate periodic reports on adherence to civil rights and liberties and on his or her own activities.

Article 145. The powers and operating procedure of the ombusman for citizens rights are defined by law.

Article 146.1. The Constitutional Tribunal consists of 18 justices.

146.2. One-third of the justices are appointed by the president, one-third by the Chamber of Deputies, and one-third by the Senate.

Article 147.1. The term of office of the Constitutional Tribunal is nine years.

147.2. Once every three years one-third of the membership of the Constitutional Tribunal is renewed.

147.3. The justices of the Constitutional Tribunal may not be reappointed.

Article 148.1. The duties of a justice of the Constitutional Tribunal may not be combined with the duties of a minister or with the exercise of the mandate of a deputy or a senator.

148.2. Other principles of incompatibility of offices are defined in organic laws.

Article 149. The justices of the Constitutional Tribunal are independent and subject only to law.

Article 150. The chairman of the Constitutional Tribunal is elected by the Tribunal from among its own members.

Article 151.1. The rulings of the Constitutional Tribunal are not appealable. They are binding on all central and local government bodies and judicial bodies.

151.2. In the event of a tie, the chairman casts the deciding vote.

Article 152. The Constitutional Tribunal acts on the recommendation of an authorized entity indicated in an organic law, or on its own initiative.

Article 153.1. The Constitutional Tribunal rules on the constitutionality of laws, international agreements, and other legal acts constituting sources of law according to the Constitution.

153.2. Organic laws and house rules of the Chamber of Deputies and the Senate should be, prior to their publication, presented to the Constitutional Tribunal, which rules on their consonance with the Constitution.

153.3. The president or the speaker of either of the Sejm chambers may present a law, before its proclamation, to the Constitutional Tribunal for evaluating its consonance with the Constitution.

153.4. Presenting the matters to the Constitutional Tribunal in such cases means a hiatus until the Tribunal rules on them.

Article 154. A legal act that is ruled to be conflicting with the Constitution may neither be proclaimed nor take effect.

Article 155. The Constitutional Tribunal rules, in cases indicated by the Constitution, on the constitutional responsibility of the persons holding the highest positions in the state.

Article 156.1. The Constitutional Tribunal monitors the correctness of elections of the president, the deputies, and the senators.

156.2. The Tribunal examines voters' protests.

Article 157. The Constitutional Tribunal monitors the correctness of the conduct of referendums and announces their results.

Article 158. The Constitutional Tribunal rules on the consonance of the aims or activities of political parties with the Constitution.

Article 159. The powers, organizational structure, and operating procedures of the Constitutional Tribunal are defined by an organic law.

Chapter 10. Amending the Constitution

Article 160. A constitutional amendment may be passed only by the joint chambers of the Sejm, by a majority of two-thirds of the votes in the presence of at least one-half of the statutory membership of both chambers.

Article 161. A proposal to amend the Constitution may be offered by the president, the Senate, and one-fourth of the statutory number of deputies, and it may not be voted upon until the expiration of 30 days from the date it is offered.

Academics Meet To Discuss New Constitution

AU1007183491 Warsaw GAZETA WYBORCZA
in Polish 8 Jul 91 p 2

[Article by Edward Krzemien: "Constitutional Discussion in the Belvedere"]

[Text] "A constitutional acceleration is required," said Antoni Pietkiewicz, deputy head of the Presidential Chancellery, on Saturday at the conclusion of a two-day conference on the subject of a future constitution for the Third Republic at the Belvedere.

Pietkiewicz explained that the purpose of the conference, organized by the Chancellery, had been to include in the work on a new constitution all the political forces that are not represented in the Sejm.

Prof. Andrzej Ajnenkiel (Polish Academy of Sciences) and Dr. Stanislaw Krukowski (Warsaw University) said that the constitution should strengthen the president's position and guarantee a supremacy of executive authority over parliament.

Dr. Lech Falandysz (Warsaw University) said it was essential to adopt a human and civic rights charter, which would protect people from the effects of "Polish evolution." However, he feared that, while offering this protection, the charter would at the same time perpetuate the present conditions in Poland and make any changes difficult to implement. "We have fallen into the trap of a law-governed country," he said. "We have given the country a new label, but not a new reality. Would it have been better to allow more room for changes to reality? Can one achieve revolutionary results merely by guaranteeing a law-governed country and adopting human rights?"

Sociologist Jacek Kurczewski described the political preferences of Poles provided by the results of public opinion polls. "Most Poles expect social guarantees from the state. They expect it to give private interests priority over public interests and are in favor of the church being independent of the state."

Kurczewski also said that the Poles expect a strong, open, and "clear-cut" authority. "They want to know who is making the decisions, and they want to have access to files."

"In the debate on the subject of state-church relations, there are more misunderstandings than differences," said Father Tadeusz Pieronek from the Papal Theological Academy. "We argue about words, but we all mean the same thing." Father Pieronek claimed that the church does not want an ecclesiastic state, nor does it expect any special rights for Catholics.

Prof. Piotr Winczorek of Warsaw University expressed doubts as to whether Poland needs a single center of decisionmaking. He thought a division of authority into the legislature, executive, and judiciary, according to the traditional formula of Montesquieu, would be better. "The state means more than just authority. A strong authority does not necessarily mean a strong state," he said.

Many of the participants were convinced that even though many draft constitutions have already been worked out by parliamentary bodies, parties, and individuals, it will take a long time to adopt the final constitution. Therefore they spoke out in favor of adopting an interim "minor constitution," or just a civic rights charter, which would replace the present constitution until the new one is adopted.

Apart from university academics and political scientists, the conference was attended mainly by representatives of groups affiliated with the president's Political Consultative Committee and the National Citizens Committee, i.e. representatives of the Polish Independence Party, Confederation of Independent Poland, Accord Above Differences [Porozumienie Ponad Podzialami], and the Association of Faith in the Republic. The deputy chairman of the All-Polish Trade Union Agreement [OPZZ] and a representative of Solidarity '80 were also present. There were also politicians from the Center Accord, Christian-National Union, Labor Party, and several other groups, though none of them spoke. However, there was no one from the Democratic Union at the conference.

Democratic Movement Criticizes Privatization

*LD1007094991 Warsaw PAP in English 1828 GMT
9 Jul 91*

[Text] Warsaw, July 9—Chairman of the Democratic-Social Movement (RDS) Zbigniew Bujak told a press conference Tuesday that "the RDS critically assessed the program of mass privatization prepared by the Ministry of Ownership Changes [Ministry of Ownership Transformations] because it is obscure, lacks precision, and is hard to understand."

He announced that the RDS would prepare an alternative privatization program correlated with the policy of economic restructuring and would forward a motion to merge the Ministries of Ownership Changes and of Industry into one department and set up a ministry of economic restructuring.

"The RDS will demand that the parliamentarians [members of parliament], government members, and their families be banned from the active participation in the ownership transformations process as shareholders or boards members," Bujak stressed.

The RDS also voiced concern over the economic position of Poland's president as the only distributor of the national property and over the ensuing political implications for the Polish democracy.

General Staff Chief on Armed Forces Composition

*91EP0563A Warsaw POLSKA ZBROJNA in Polish
7-9 Jun 91 pp 1, 5*

[Interview with Dr. Zdzislaw Stelmaszuk, chief of the General Staff and chairman of the Group for Restructuring of Polish Armed Forces, Interdepartmental Commission for Organizational Reform of National Defense, by Lt. Colonel Andrzej Medykowski; place and date not given: "The Future Shape of the Armed Forces"]

[Text] [Medykowski] Work on a concept of the Armed Forces of our state (for the 1990's) has been under way for many months now. Only disjointed reports reach the public, which not only fail to satisfy the curiosity of our society, and especially that of the career cadres of our Armed Forces, but altogether boost it. The time has finally come to satisfy this curiosity.

[Stelmaszuk] I will do so with great pleasure. At the same time, I will be performing what I believe is an important duty—to inform our public about the progress of work on the new shape of our Armed Forces. We have regained complete sovereignty, and the new situation of the Republic of Poland is a consequence of this tremendously important political fact. Recent restrictions caused by belonging to the Warsaw Treaty and the Council for Economic Mutual Assistance have ceased to exist, or changed in nature, and previous allied military obligations do not exist.

[Medykowski] What does this mean for the actual operation of the Armed Forces?

[Stelmaszuk] As briefly as possible, we as a state have an opportunity to shape a defense policy and a military policy

in a sovereign manner, and to determine the composition and size of the Armed Forces, taking into account international agreements signed by Poland.

[Medykowski] Does this mean that we are deprived of an opportunity to determine the size of the Armed Forces and the numbers of basic types of armaments? Looking back at the still recent resolutions of the Vienna conference, and listening to scanty reports on the negotiations still under way, it is hard not to conclude that the West and the East continue to exist, and that the West regards Poland as an element of the Warsaw Treaty or some imaginary eastern bloc. It appears to us that we are no longer this proverbial camel, but meanwhile a sort of hump remains....

[Stelmaszuk] After all, not only Poland but each of the states which are parties to the Vienna Treaty gave up unlimited opportunities to build up their armed forces when they agreed to the established restrictions on basic types of armaments. Poland, having recognized the emphatic reduction of the role of the military factor in Europe, contributed to a peculiar political opening on our continent in a manner which our society expected it to.

Referring specifically to the Vienna Treaty, you were right in a sense with regard to the "camel hump" which you mentioned. This treaty suggests a kind of territorial division of the continent by introducing the notion of the regional division of Europe with corresponding maximum levels of armaments. After all, the concept of the treaty calls for securing equilibrium at a correspondingly lower level on the principle of balancing the military potentials of the two parts of Europe, to the west and to the east of the Elbe. The Vienna talks did not keep up with political and social changes in Europe in this specific aspect, namely by sticking with the previously adopted mandate which assumed the existence of a division into blocs. The choice was to either delay the completion of this stage of negotiations considerably, taking a more national point of view, or to bring about the signing of the treaty with the content it actually had, consciously acknowledging the primacy of European security.

In summation, I would like to stress that we have an opportunity to adjust the size and structure of the Armed Forces, just as all other states, within the framework of treaty obligations. This is the price of the agreement the objective of which was to increase international security on our continent precisely by reducing the levels of conventional weapons.

[Medykowski] Given that treaty provisions, which are voluntarily accepted by Poland, are the only restrictions on the restructuring of our Armed Forces, on which assumptions is the work of the group on the future shape of the Polish Armed Forces based?

[Stelmaszuk] Favorable changes in the political and military situation in Europe, radical systemic changes in our country, and the qualitatively new needs and tasks in the area of defense are the foundation for the work on a new model of the Armed Forces of the Republic of Poland for the 1990's.

With the above in view, we were guided by the following in the course of developing this model:

- The adopted concept of the defense of the territory of the country taking into account threats to its security which differ in nature and scale.
- Decisions of the government of the Republic of Poland concerning the peacetime and wartime strength of the Armed Forces, which were made at a meeting of the Council of Ministers on 12 November 1990.
- The actual status of the Armed Forces and their deployment.
- Limits on armaments set for Poland within the framework of the CFE-1 [Conventional Forces in Europe-1] treaty.
- Opportunities for budgetary appropriations for defense.

A transition of the Ministry of National Defense to new organizational structures is aimed at removing the burden of the tasks of the Armed Forces of the Republic of Poland which have so far claimed a considerable segment of the cadres and soldiers of the Polish Armed Forces, but which do not have a direct influence on the defense capability of the country; however, their implementation is necessary for the operation of the entire ministry.

The need to separate the functions of commanding the Armed Forces from the functions of leading and administering the Ministry of National Defense appears to be paramount in this instance. Proceeding from the arrangement in Western countries, and from our national experience, we will develop a draft structure for leading the ministry and commanding the Armed Forces which assumes that the Ministry of National Defense will be led by a civilian minister. On the other hand, the functions of commanding the Armed Forces will be performed by the chief of the General Staff of the Polish Armed Forces, general inspector of the Armed Forces. He could also perform the functions of supreme commander in wartime, which would require appropriate legal provisions (amending the Constitution).

[Medykowski] It is already known that in the future Ministry of National Defense, two elements will be formed—a civilian-ministry element, the shape of which was outlined on the pages of our newspaper by Deputy Minister Janusz Onyszkiewicz, and a military element. Which functions will the latter element perform?

[Stelmaszuk] According to a concept developed by our team, the General Staff will be the only central organ for the command of the Armed Forces, and management in keeping with the policy made by the civilian-military element.

Therefore, strategic planning, especially operational planning and planning for the mobilization buildup of the Armed Forces in the event of war, and the organization of troops and their training will remain within its jurisdiction, as well as logistical support, the management of the accomplishment of tasks in the sphere of financial and

cadre matters, military education, health-care and education services, and the establishment and compliance with military discipline and order.

The basic chain of command in the entirety of the Armed Forces will run from the chief of the General Staff of the Polish Armed Forces through the General Staff of the Polish Armed Forces, to commands of military districts and services, to commands of tactical large units (voivodship military headquarters), and to commands of units.

[Medykowski] Creating the new format for the General Staff of the Polish Armed Forces is merely a segment of the planned reforms in the Armed Forces. According to present day concepts, what kind of armed forces should we have by the end of the 1990's?

[Stelmaszuk] The prepared model calls for the peacetime strength of the Armed Forces to be between 230,000 and 250,000, which amounts to 0.6 percent of the total number of the population of the country. This is a statistic comparable to that in a majority of West European states.

It was resolved to still have three services within the Armed Forces: ground troops, the Air Force and Air Defense Troops, and the Navy.

It was accepted that the ground troops, which account for about 60 percent of the entire armed forces in peacetime, and are deployed in three military districts—ultimately, four military districts—will continue to play the most important role in the military defense system. They should include operational troops which consist of nine or 10 mechanized divisions, five or six mechanized brigades, two air assault brigades, several units of mountain infantry and a necessary number of units of combat arms, as well as regional defense troops, armed and equipped with materiel which is not covered by the CFE-1 treaty. It is planned that rapid response forces consisting of two air assault brigades, one air assault battalion, two regiments of combat helicopters, and two regiments of transportation helicopters will possess the highest degree of full strength and combat readiness. Each military district will also have one of the mechanized divisions ready to act immediately. The Air Force and Air Defense Troops, which account for about 20 percent of the entirety of the Armed Forces of the Republic of Poland and remain in their entirety at the highest degree of combat readiness, would be the second largest of the services of the Armed Forces. In peacetime they will be organized into four corps for the air defense of the country and an aviation corps.

The Navy will account for about eight percent of the entire Armed Forces of the Republic of Poland. The organizational structure of the Navy will not undergo major changes, unlike its materiel.

[Medykowski] It is already known how many soldiers our army may include. However, it would be worthwhile to say what weapons our army will have at its disposal.

[Stelmaszuk] In the structures presented, the following totals will be in service with the Armed Forces:

- 1,730 tanks.

- 2,150 armored vehicles, including 1,700 infantry combat vehicles.
- 1,610 artillery systems with calibers above 100 millimeters.
- 1,430 antitank systems.
- 3,175 antiaircraft systems, including 1,455 missile systems.
- 130 combat assault helicopters.
- 80 naval vessels, including 40 combat vessels.

However, structural changes themselves will not cause radical changes in the technical modernization of the army in the immediate years to come. At this point, I mean in particular the degree of modernity of its materiel. After all, commonly accepted criteria of the modernity of the army assume that its equipment should include 35 to 40 percent of modern materiel, and that there should be no materiel, the service life of which has ended.

Meanwhile, this statistic for the basic types of materiel in our army ranges under 25 percent. We also have materiel, the service life of which has ended (45 percent of towed artillery, 42 percent of vessels, and 20 percent of small- and large-capacity two-way radios).

[Medykowski] The money is short, but it will be possible to save some money in the process of restructuring.

[Stelmaszuk] Restructuring in and of itself will not result in financial savings. This is not the objective of restructuring; this mainly has to do with making the army modern and thus ensuring the safe existence of the motherland in the event that it is threatened. New equipment is exceptionally expensive.

On the basis of a preliminary analysis, it is estimated that armaments worth about 500 trillion zlotys should be purchased before the year 2000 with a view to our Armed Forces attaining the criteria of modernity and the levels of armament set forth in the CFE-1 treaty. Meanwhile, it will be possible to allocate about 66 trillion zlotys for this purpose on the very optimistic assumption that during this period of time the size of the budget of the Ministry of National Defense in real terms will increase by 1.8 percent a year on the average. This means that the envisaged program may be implemented at a very remote point in time. The actual shape of a modern army will also call for difficult decisions associated with increasing the spending for defense.

Along with profound structural changes in the troops, the system of leading and commanding the Armed Forces will also be reevaluated in principle. After all, in keeping with the resolution of the Interdepartmental Commission for the Organizational Reform of National Defense, the strength of institutions reporting to the chief of the General Staff of the Polish Armed Forces, within a structure reflected in the chart, will amount to about 1,200 positions for career servicemen and about 500 positions for employees of the military (in total, about 1,700 positions).

Taking into account the strength of the civilian-military element, staff reductions among career servicemen will exceed 1,250 positions, compared to the structures of the headquarters offices of the Ministry of National Defense

before the period of restructuring. A favorable change of the proportion in relations between the Armed Forces and the leading organs will also occur.

[Medykowski] The reform of the defense system of the state and the Armed Forces will also call for many measures of a legislative nature. How profound are changes in this sphere going to be?

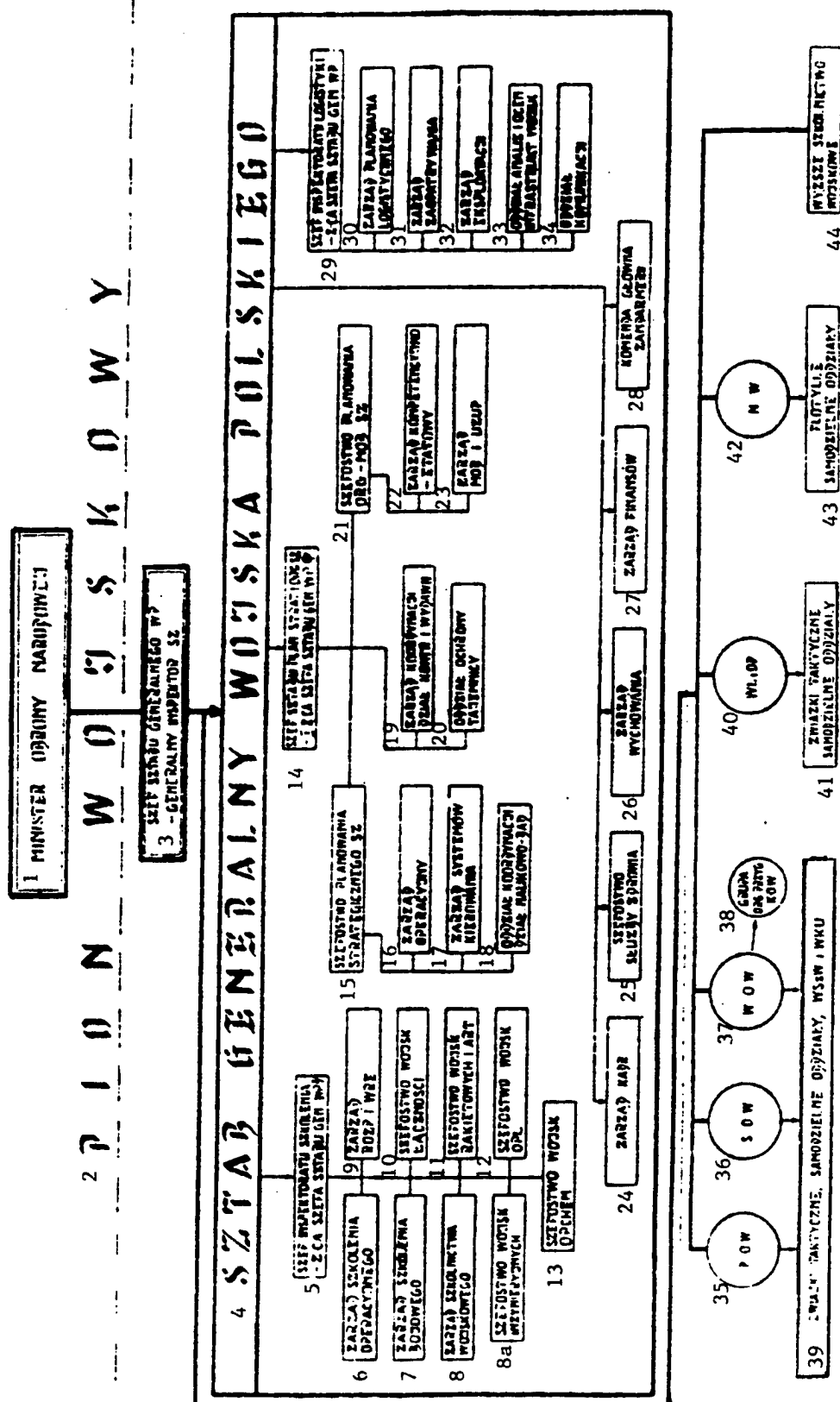
[Stelmaszuk] The proposed extent of reforms in many cases calls for necessary changes in our legal system in the sphere of the defense of the state. The defense system of our state should be ultimately based on a legislative, legal foundation which will contain necessary provisions, including procedural, as well as necessary jurisdictional determinations. Proceeding from these foundations, we will be able to subsequently develop a set of necessary executive acts, thus reducing self-contained acts to a necessary minimum. The team which I had has submitted proposals for amendments in legal acts to the commission in a separate extensive annex.

For example, I will tell you that the law, dated 21 November 1967, on the comprehensive duty to defend the People's Republic of Poland should be replaced by five new regulations, namely:

- 1) The law on supreme authorities in the sphere of national security (if the reform is extended to the entire system of the state) or the law on the office of minister of national defense and organization of military authorities (in the event reforms are restricted only to the Ministry of National Defense).
- 2) The law on the obligations of citizens with regard to their comprehensive duty to defend the state.
- 3) The law on services by the national economy for the benefit of national security.
- 4) The law on civil defense (or more broadly, on general rescue services).
- 5) The law on special services and the military police. Upon the development and possible passage of such a package of laws by the parliament, it will be necessary to prepare and issue numerous executive regulations mainly at the level of the government and the ministry.

[Medykowski] Thank you for the interview.

Table 1. Military Table of Organization



Key:

1. Minister of National Defense
2. Military Table of Organization
3. Chief of the General Staff of the Polish Armed Forces—Inspector General of the Armed Forces
4. General Staff of the Polish Armed Forces
5. Chief of the Inspectorate of Training—Deputy Chief of the General Staff of the Polish Armed Forces
6. Operational Training Administration
7. Combat Training Administration
8. Military Education Administration [Basic Training]
- 8a. Directorate of Engineering Troops
9. Reconnaissance and WRE [expansion unknown] Administration
10. Directorate of the Signal Troops [Communication]
11. Directorate of the Missile Troops and Artillery
12. Directorate of the Air Defense Troops and Antiaircraft
13. Directorate of the Chemical Defense Troops
14. Chief of Staff for Strategic and Organizational Planning, First Deputy Chief of the General Staff of the Polish Armed Forces
15. Directorate of Strategic Planning of the Armed Forces
16. Administration of Operations
17. Administration of Control Systems
18. Coordination Section, Research and Development Division
19. Administration of Coordination, Division of Control and Publications
20. Section for Counterintelligence
21. Directorate of Organizational and Mobilization Planning of the Armed Forces
22. Administration of Competencies and Staff Positions
23. Administration of Mobilization and Replacement
24. Personnel Administration
25. Medical Services Directorate
26. Administration of Army Upbringing
27. Finance Administration
28. Main Command of the Military Police
29. Chief of the Inspectorate of Logistics—Deputy Chief of the General Staff of the Polish Armed Forces
30. Administration of Logistics Planning
31. Supply Administration
32. Recycling Administration
33. Department of Analysis and Assessment of Military Infrastructure
34. Communications Section
35. Pomeranian Military District
36. Silesian Military District
37. Warsaw Military District
38. Organizational and Preparatory Group of the Krakow Military District
39. Large Tactical Units, Separate Detachments, Voivodship Military Headquarters, and Military Recruiting Stations
40. Air Force and Air Defense Troops
41. Large Tactical Units, Separate Detachments
42. Navy
43. Flotillas, Separate Detachments
44. Higher Staff Schools

Stanculescu Accused of Orders To Shoot in 1989
AU1107201591 Bucharest ROMPRES in English
1810 GMT 11 Jul 91

[Text] Bucharest ROMPRES 11/7/1991—The former first secretary of the Timis Committee of the Romanian Communist Party, acknowledged that, on 22 December 1989, when asked by people from Timisoara who had fired at them, he answered: "The Army commanded by General Stanculescu."

By acknowledging, before the Military Section of the Supreme Court of Justice at which the Timisoara trial is under way, to have uttered these words, Radu Balan confirmed a witness who cited him and who was heard equally on Thursday, 11 July.

Radu Balan is accused, alongside another 22 defendants, of complicity to genocide.

"I saw and heard by myself, added Balan, when General Stanculescu asked lower echelons to effect the order of the supreme commander, Ceausescu, for restoring order at Timisoara."

In his turn, the former head of Securitate, General Iulian Vlad, already convicted for guilts he was responsible for while in office, and heard as a witness in this trial, said that on 18 December 1989, in the morning, General Emil Macri (dead now) called him on telephone to tell him that "Army units fired at people, and there were several dead and injured."

General Victor Atanasie Stanculescu is at present minister of industry in the reshuffled government of Premier Petre Roman, after having been minister of economy and then minister of national defence, in the cabinets formed after the 1989 revolution. As a minister of the defence he replaced General Nicolae Militaru, who had been put on the reserve by Ceausescu and was reactivated after the revolution. He was withdrawn as a consequence of strong objections made by a number of young officers.

Racan, Ribicic Issue Joint Statement

91P20405A Ljubljana DELO in Slovene 5 Jul 91 p 2

[Article by Branko Soban: "Army Attack Means End of Yugoslavia"]

[Text] Ljubljana, 4 July—"You are the first head of any Croatian party who has dared to visit Slovenia during the present situation," Slovene Interior Minister Igor Bavcar told Ivica Racan, president of the Croatian Party of Democratic Renewal, at today's talks in Ljubljana. Ivica Racan talked today with Milan Kucan, Ciril Zlobec, Janez Jansa, and, of course, with the leadership of the Slovene Party of Democratic Renewal, headed by Ciril Ribicic.

On this occasion both parties also signed a joint statement in which they emphasize that the attack on Slovenia in essence represented an infamous end to the present Yugoslavia. Both parties stress the importance of strengthening the alliances among the democratic forces in Croatia and Slovenia for a peaceful dissociation from Yugoslavia, implementation of the will of their citizens as expressed in the referendums, and the laying of a new foundation for an interrelationship of autonomous states emerging on the territory of the present Yugoslavia. The parties state that the mutual and international recognition of all internal borders, as well as the establishment of democratic political control over the Army, are the necessary conditions for a peaceful resolution of the Yugoslav crisis.

What, according to Ivica Racan, has contributed to the subsiding of the intensity of the present armed conflict in Slovenia? First of all, certainly the resolute resistance of all the inhabitants of Slovenia, then the endeavors of the democratic forces within the Slovene and the Yugoslav leadership to achieve a cease-fire, pressure from the West and the EC that the Army be subjected to political control and, last but not least, the resolute reaction from the parents who reacted in an entirely humane way against the misuse of their children to implement an aggressive policy. These have been probably the only positively directed emotions lately, Racan said. Most likely, no one in the military leadership expected such a reaction of parents from all over Yugoslavia.

Asked why Croatia did not react immediately to the Army attack on Slovenia, Racan replied that Croatia was prepared to respond with all means if the aggression had escalated. However, he declined to comment on the statement by the new Croatian defense minister, Dr. Djodan, that Slovenia received only a minor blow.

Text of Independence Declaration of Slovenia

91BA0876A Ljubljana DELO in Slovene 26 Jun 91 p 1

["Text" of Independence Declaration of the Republic of Slovenia adopted by the Assembly of the Republic of Slovenia on 25 Jun—first two paragraphs are DELO introduction]

[Text] Proceeding from the right of the Slovene people to self-determination, from the principles of international law, from the Constitution of the SFRY Federation, and from the Constitution of the Republic of Slovenia, the

inhabitants of the Republic of Slovenia, in a plebiscite on 23 December 1990, decided by an absolute majority that for their future existence they would form an autonomous and independent state, the Republic of Slovenia, which would no longer be united with the Socialist Federal Republic of Yugoslavia.

In accordance with this decision the Assembly of the Republic of Slovenia, during sessions of all the Chambers on 25 June 1991, based on a coordinated proposal from all the parliamentary parties and groups of deputies, adopted a constitutional act on the autonomy and independence of the Republic of Slovenia.

I.

Slovenia, in cooperation with the Republic of Croatia, suggested to the other Yugoslav republics, even before the plebiscite on autonomy and independence, a proposed agreement on an alliance of sovereign states, i.e., a model for a confederation, within the framework of which the members of the present federation would also cooperate in the future in economic, defense, foreign policy, and other areas. The proposal did not meet with an appropriate response. The Assembly of the Republic of Slovenia scheduled the plebiscite, and the population of Slovenia decided by a great majority on an autonomous and independent state, the Republic of Slovenia.

Through the Resolution on the Proposal for Disassociation by Agreement from the Socialist Federal Republic of Yugoslavia and other documents and statements, Slovenia has informed the Yugoslav republics and the Yugoslav public about its planned steps, to which it was committed by the plebiscite, and it has proposed to Yugoslavia, and to the Yugoslav republics as constituent entities of the federation, a disassociation by agreement into two or more sovereign states, which would recognize each other's separate existence under international law. At the same time, it has repeatedly expressed as well its willingness to agree on permanent and institutionalized forms of cooperation, including the regulation of mutual relations in a possible Yugoslav confederate or economic community, or some other suitable alliance that would benefit its peoples and citizens.

The proposal for disassociation by agreement and for beginning negotiations on new forms of relations on the basis of a prior disassociation by agreement and the establishment of independent states, was not accepted within the anticipated reasonable period, except in the Republic of Croatia, and the Assembly of the Republic of Slovenia was obliged to adopt a Constitutional Act on the Autonomy and Independence of the Republic of Slovenia.

II.

The Republic of Slovenia has declared itself to be an autonomous and independent state, and, as an international entity in the full sense of the word and in accordance with the principle of the association of sovereign states in Europe, wishes to become a member of the United Nations, and join the CSCE process, the Council of Europe, the European Community, and other alliances of

states. The autonomy and independence of the Republic of Slovenia can also be understood as a condition for entering new associations within the framework of the present Yugoslavia and within a European framework. Furthermore, the Republic of Slovenia will consistently respect the UN Charter, the Convention of the Council of Europe, the Helsinki Final Act, and other acts of the Conference on Security and Cooperation in Europe and other international agreements. The establishment of the Republic of Slovenia as an autonomous and independent state on the basis of the right to self-determination is not directed against anyone in Yugoslavia or outside of it. Slovenia also recognizes the same right for the other republics and the peoples and nationalities of the present Yugoslavia.

It wants to exercise its right to a sovereign state and to establish ties with other sovereign states by agreement, by peaceful means, through negotiations and consultation, because it agrees with the demands of the international community that it is necessary to establish future relations on the territory of the present Yugoslavia democratically, and furthermore to respect the inviolability of the existing external and internal borders.

III.

The Republic of Slovenia, as an autonomous and independent state:

- declares that the SFRY Constitution is no longer in effect on the territory of the Republic of Slovenia, and that it will continue the process of taking over actual authority on its territory. It is prepared to carry out the process of taking over actual authority gradually and in agreement with the other republics of the present SFRY, so that this will not violate the equal rights of the other republics;
- is prepared to continue immediately talks on possible forms of an alliance with the states that will emerge on the territory of the present Yugoslavia. On the basis of mutual recognition, it is prepared to begin immediate talks on concluding an agreement to establish a community of sovereign states on the territory of the present SFRY. In that community, the member states would coordinate the fulfillment of their common economic, political, international, and other interests. The conclusion of such an agreement, or at least a joint statement on the political will for such an agreement, would ensure that the process of taking over actual authority in the new states and the process of forming a community of such states would not cause conflicts, but would instead complement each other, because they would facilitate the process of fulfilling the right of all Yugoslav peoples to self-determination, the rights of the Albanians in Kosovo, the rights of national minorities, and the development of democracy in a community of sovereign states on the territory of the present Yugoslavia;
- in accordance with the decisions of the Assembly of the Republic of Croatia, the Republic of Slovenia recognizes the Republic of Croatia as a sovereign state with separate international existence; it will also recognize all other Yugoslav republics that declare themselves to be sovereign states.

The mandate is ended for the delegates from the Republic of Slovenia in the Federal Chamber of the SFRY Assembly, and for the delegation from the Assembly of the Republic of Slovenia in the SFRY Assembly's Chamber of Republics and Provinces who performed that function until the proclamation of this declaration. The Assembly of the Republic of Slovenia will elect a new, 12-member delegation, which, on the basis of its authority in the Assembly of the present Yugoslavia, will participate in negotiations on the disassociation from the present SFRY, in resolving current issues during the transitional period, and in reaching agreement on possible forms of a community of sovereign states on the basis of the consent of the Assembly of the Republic of Slovenia. The Republic of Slovenia calls upon the other republics of the present SFRY to authorize their own delegations for this purpose. The Assembly of the Republic of Slovenia expects that all organs and organizations of the present SFRY will also cooperate in all of this.

The Assembly of the Republic of Slovenia authorizes the former member of the SFRY Presidency from the Republic of Slovenia to participate in the work of the SFRY Presidency as a representative of the Republic of Slovenia, in accordance with the guidelines of the Assembly of the Republic of Slovenia.

All issues that are not entirely resolvable at this time, for example, the status of the JLA [Yugoslav People's Army] and the relations between it and the Republic of Slovenia, the issue of authority in the area of international relations, and the issue of the division of joint property, will be regulated by a separate agreement between the Republic of Slovenia and the appropriate organs within the framework of the present Yugoslavia.

IV.

The Republic of Slovenia, as an international entity:

- respects all principles of international law, including legal inheritance of the provisions of all international treaties which have been concluded by the SFRY and which apply to the territory of the Republic of Slovenia. In accordance with the anticipated agreement on taking over the rights and obligations of the present Yugoslavia, the Republic of Slovenia will also fulfill its international financial obligations to other states and international organizations, ensure the unhindered flow of goods, people, and production across its borders in accordance with the international obligations that have been adopted, and do everything to ensure that international traffic across its territory will proceed unhindered;
- will seek to have the international community accept the declaration of the autonomous and independent Republic of Slovenia favorably, and expects that it will strengthen economic, political, financial, and all other relations with it, and that other states will recognize it under international law. It also expects that the international community will use this and its influence to contribute to the formation of a community of sovereign states on the territory of the present SFRY, and thus to

the implementation by agreement and by peaceful means of the decision on the Republic of Slovenia as an autonomous and independent state;

—expects that the neighboring states will adhere to and intensify the level of protection of Slovene minorities that has been achieved through international conventions and bilateral treaties.

V.

The Republic of Slovenia is a lawful and social state with a market economy, adapted to the capabilities of the milieu, in which human rights and civil freedoms will be respected, as well as the special rights of the indigenous national communities of Italians and Hungarians in the Republic of Slovenia, the European achievements of industrial democracy (primarily social-economic rights, the right of employees to participate in decisionmaking, and free trade unions), the inviolability of property, and freedom of activity for the movements and institutions of a civil society in which multiparty parliamentary democracy and local or regional self-government will be ensured; in which political or other beliefs will never be the basis for any sort of inequality or differentiation; which will be committed to peace and to the nonviolent settlement of all disputed issues concerning internal and external affairs, and to the equal participation of all peoples and citizens in a Europe of free and equal individuals, regions, peoples, and states.

Petrol Plans Joint Ventures in Soviet Union

91P20409A Ljubljana DELO in Slovene 2 Jul 91 p 2

[Unattributed article: "Gas Stations from Brest to Moscow"]

[Text] Together with the Smelt Enterprise, the Petrol Company will build gas stations in the Soviet Union at points on the road from Brest to Moscow. For this purpose these two enterprises plan to establish joint ventures that would first build and then manage these stations. Negotiations on the cooperation of Slovenia, the Russian Republic, and Belorussia are nearing conclusion. Slovene experts have already made detailed plans. The gas stations are to be finished by the end of 1991.

The traditionally good cooperation is now also being applied at the managerial level. This will become particularly important since in the Soviet Union, too, it will be necessary to pay for oil and its derivatives in cash or by exporting Slovene goods. Through the joint construction of gas stations, Petrol also seeks an opportunity to purchase oil and its derivatives from the Soviet Union and its republics, which, beginning 1 July, could independently import products and raw materials for their own needs.

Petrol and the Soviet Union have already signed a contract this year for the purchase of 900,000 tons of oil, 200,000 tons of derivatives, and 900 million cubic meters of natural gas.